

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15043 of 2024

Arising Out of PS. Case No.-631 Year-2022 Thana- GHORASAHAN District- East
Champaran

Dr. Yogendra Nath Yadav, S/o Sri Mahavir Yadav, R/o Village-Chainpur
Dhaka, P.S- Dhaka, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Ms. Rashmi Jha, Advocate Mr. Abhishek Kumar, Advocate
For the Opposite Party/s :	Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 12-03-2024 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner is named in the FIR

and apprehending his arrest in connection with

Ghorasahan P.S. Case No.631 of 2022 registered under

Sections 376, 420, 313 read with 34 of the Indian

Penal Code and section 4 of the Protection of Children

from Sexual Offences Act.

3. Allegation against the petitioner, who is a

qualified doctor, is to terminate pregnancy of minor

daughter of informant aged about 16 years who alleged

to be pregnant out of her love affairs with co-accused



Lala Jee, son of Triloki Sah.

4. It is submitted by learned counsel that allegation to establish physical relation out of false pretext of marriage and to cause daughter of informant pregnant is available against co-accused, Lala Jee. It is submitted that when the pregnancy of victim came into knowledge of informant being father, he sent the victim along with her mother to the clinic of petitioner, where as per statement of victim, a peel was given to victim by co-accused Lala Jee himself, whereafter, she developed a pain in stomach after that, a semi-operation was conducted by this petitioner being a doctor after obtaining a consent from mother of the victim. It is submitted that this is not even a case of professional negligence. While concluding argument, it is submitted that entire thrust of allegation is available against co-accused Lala Jee as it appears available from the statement of victim recorded under Section 164 of the CrPC and moreover, the present FIR was lodged



with a delay of five and half months i.e. same was lodged on 19.11.2022 for the offence alleged to be committed on 28.06.2022.

5. Learned APP opposed the prayer of bail.

6. In view of aforesaid factual submissions, as thrust of allegation appears available against co-accused Lala Jee as per statement of victim recorded under Section 164 of the CrPC, where implication of this petitioner appears only being a doctor, coupled with the fact that the FIR was lodged with a delay of about six months, accordingly, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender in the court below within a period of four weeks, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 6th Additional Sessions Judge-cum-Special Judge, POCSO Act, Motihari, East Champaran in connection with Ghorasahan P.S. Case No.631 of 2022, subject to the conditions as laid down



under Section 438(2) of the CrPC.

(Chandra Shekhar Jha, J.)

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