

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16137 of 2024

Arising Out of PS. Case No.-195 Year-2023 Thana- CHANDAN District- Banka

Rohit Yadav S/o- Kartik Yadav @ Kartik Rout Village- Govindpur Ps-
Chandan Dist- Banka

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar, Adv.

For the Opposite Party/s : Mr.Navin Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 15-05-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Chandan P.S. Case No. 195 of 2023 dated 07.12.2023 registered for the offences punishable u/s 376 of the Indian Penal Code and subsequently section 4 of the POCSO Act was added.

3. As per the prosecution case, when the informant along with her cousin was going to Chandan Bazar, the petitioner came and took away the informant into the bush and committed rape and threatened to kill her and thereafter the petitioner fled away.

4. Learned counsel for the petitioner has submitted



that the petitioner is innocent and has falsely been implicated in this case. As per FIR, the age of the victim is about 19 years. The said occurrence took place on 07.12.2023 and on the very same day the victim was medically examined and doctor has found no any external injury on the body of the victim. As per the medical report, there is no opinion with regard to the sexual assault against the petitioner in the medical examination. The victim in her statement recorded u/s 164 of the Cr.P.C. has stated that she sustained injury on her hand but the medical report does not support the said act which creates doubt upon the prosecution case. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 14.12.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Banka in connection with Chandan P.S. Case No. 195 of 2023, with a condition/s:-



(i). The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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