

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33807 of 2024

Arising Out of PS. Case No.-233 Year-2023 Thana- BABUBARHI District- Madhubani

Shiv Yadav @ Shiv Kumar Yadav Son of Pramod Yadav Resident of Villge-
Bela Devra (Daura), P.S.- Babubarhi, Dist.- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. Reeta Devi Wife of Jitendra Sadai Resident of Village- Bela Devra, Mushari
Tol, P.S.- Babubarhi, Dist.- Madhubani

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mrs. Sharda Kumari, APP

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

ORAL ORDER

2 13-05-2024 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 Babubarhi P.S. Case No. 233 of 2023 dated 22.07.2023 registered for the offences punishable u/ss 447, 448, 451, 341, 354(A)(i)(iv)/354(B)/323/504/506 read with Section 34 of the Indian Penal Code and Section 8/12 of the POCSO Act and 3(i)(r)(s) (w) 1/2 (va) SC/ST Act.

3. As per the prosecution case, the petitioner is alleged to have entered the house of the informant and tried to commit rape on the informant's daughter. When the victim tried to protest, the petitioner pressed her mouth due to which she became unconscious and thereafter, he fled away. When the informant made complain to



the father of the petitioner then one Promod Yadav abused by calling her caste name.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The occurrence took place on 19.07.2023 but the F.I.R. was lodged on 22.07.2023 without any explanation. There is no allegation of abusing against the petitioner hence, no case under the provision of SC/ST Act is made out against the petitioner. It is further submitted that the petitioner has no concern with the alleged offence. The petitioner has one criminal antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 07.03.2024.

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, Madhubani in connection with Babubarhi P.S. Case No. 233 of 2023.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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