

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47889 of 2024

Arising Out of PS. Case No.-82 Year-2024 Thana- KATORIYA District- Banka

Nitish Yadav @ Nitish Kumar Yadav Son Of Rajo Yadav @ Rajesh Yadav
Village- Chchata Kurum, P.S.- Katoria, Distt.- Banka

... .. Petitioner/S

Versus

1. The State of Bihar
2. Aditi Singh D/O Niraj Singh R/O Village-Baniyakur, P.S.-Katoria, District-Banka.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Adv
For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 25-07-2024 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 Katoriya P.S. Case No. 82 of 2024 dated 24.04.2024 registered for the offences punishable u/s 341, 323, 354B, 504, 506, read with section 34 of the Indian Penal Code.

3. As per the prosecution case, on 23.04.2024 the informant was returning from the *Tilak* Ceremony of brother of. *Nikky Kumari* In the meanwhile, the petitioner and the co-accused persons started outraging her modesty and tore her cloth. On being protested by the informant, the accused persons



were caught hold by the family member of the informant in course of which one motorcycle was left behind. Accordingly, the present F.I.R has been registered.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The said seized motorcycle belongs to the father of the co-accused Mithilesh Kumar Yadav. It is further submitted that the victim girl is at verge of maturity hence, no case of Section 8 of the POCSO Act it made out against the petitioner. Similarly situated co-accused has already been granted bail by the co-ordinate bench of this court *vide* order dated 20.06.2024 passed in Cr. Misc. No. 41237 of 2024. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 17.05.2024.

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 nature of allegation levelled against the petitioner and 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 Katoriya P.S. Case No. 82 of 2024.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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