

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.3415 of 2024**

Arising Out of PS. Case No.-770 Year-2023 Thana- NARPATGANJ District- Araria

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Laltu @ Laltu Kumar Yadav @ Laltu Kumar Son Of Janardan Yadav Resident  
Of Barhara, Ward No.- 10, Ps- Narpatganj, District- Araria Under  
Guardianship Of His Elder Brother Namely Dhirendra Kumar Yadav

... .. Appellant/s

Versus

1. The State of Bihar
2. The Victim X D/O-Deep Narayan Yadav R/O-Village-Barhar, Ward No.- 10,  
Ps- Narpatganj, District- Araria

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Bhaskar Shankar, Adv.  
For the Respondent/s : Mr. Syed Ashfaque Ahmad, APP

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**CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL**  
**ORAL ORDER**

3      03-12-2024                      Heard learned counsel for the appellant and learned  
counsel for the respondents.

2. This petition has been preferred by the appellant  
being aggrieved with the order dated 16.05.2024 passed by 1<sup>st</sup>  
Additional Sessions Judge-cum-Special Judge, Araria in Special  
(Child) Case No. 04 of 2024 whereby and whereunder, the  
learned Special Court rejected the prayer of bail of the  
applicant/petitioner herein who is in observation home in  
connection with Narpatganj P.S. Case No. 770 of 2023 for the  
offences punishable under Section 376, 341, 323, 504, 506/34 of  
the I.P.C. read with Section 4 of the POCSO Act.

3. According to the case of prosecution, it is alleged



that on 29.12.2023 about 08:00 PM, when the victim girl who was aged about 14 years, was returning towards her house from serving water to her cattle, allegedly, the present appellant came there from her behind and forcibly taken her towards field and there committed forcible sexual intercourse with the victim girl. The matter was informed by her to her parents and thereafter, the matter was reported to the concerned police station. On the basis of said offence, a case has been registered and during course of investigation, appellant has been taken in custody on 07.02.2024. He preferred an application for grant of bail before the learned Special Court, Araria which has been rejected vide impugned order dated 16.05.2024, hence this petition has been preferred.

4. Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case due to previous dispute between both the families. He further submits that the medical report of the victim girl has not supported the case of prosecution. Referring to the statement which has been recorded during the trial before the learned Trial Court, he further submits that from perusal of her cross-examination, it also appears that the alleged offence has not been committed by the appellant, rather appellant is being



falsely implicated due to the pressure created by the Investigating Officer of the case. Lastly, he submits that the appellant is in observation home since 07.02.2024. He has no previous criminal antecedent and the Social Investigation Report also doesn't suggest anything against him. Therefore, it is prayed that he may be granted benefit of bail.

5. Learned A.P.P. for the State opposes the prayer for bail.

6. Heard and perused the materials available on record.

7. Considering the submissions made by the learned counsel for the appellant and further considering the fact that the medical report doesn't support the case of the prosecution and further considering the statement of the victim girl which has been recorded before the trial court without commenting on other merits of the case, I am of the view that it is a case where appellant should be granted benefit of bail.

8. Accordingly, the petition is allowed.

9. Let the above named appellant be released on bail on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned 1<sup>st</sup> Additional Sessions Judge-cum-



Special Judge, Araria in connection with Special (Child) Case No. 04 of 2024 arising out of Narpatganj P.S. Case No. 770 of 2023, subject to the following conditions:-

(i) that one of the bailors shall be father of the appellant.

(ii) that the father of the appellant shall file an affidavit before the learned 1<sup>st</sup> Additional Sessions Judge-cum-Special Judge, Araria giving specific undertaking that after release of the appellant on bail, he will take proper care of the appellant and will not allow him to fall into bad company.

**(Arvind Singh Chandel, J.)**

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