

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 79318 of 2024

Arising Out of PS. Case No.-298 Year-2024 Thana- GAURICHAK District- Patna

Kaushal Yadav @ Kaushal Ray S/o- Late Buni Yadav Resident of village-
Bali, Police Station- Gaurichak (Panchrukhiya), District-Patna..... Petitioner/s
Versus

1. The State of Bihar.
2. Sushma Devi W/o- Chitranjan Ravidas Resident of village Bali, Police
Station- Gaurichak (Panchrukhiya), District-Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Shanker Pankaj, Advocate
For the Opposite Party/s : Mr.Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 29-01-2025 1. Heard learned counsel appearing on
behalf of the petitioner and learned APP appearing
on behalf of the State.

2. The petitioner seeks bail in connection
with Gaurichak (Panchrukhiya) P.S. Case No. 298 of
2024 corresponding to Special (POCSO) Case No.
166/2024 registered for the offence under Sections
341, 323, 354(D), 354(B) of the Indian Penal Code
and Sections 3(1)(r)(s) of the SC/ST Act and
Section 8/12 of POCSO Act.

3. The accused/petitioner is named in the
F.I.R. and is in custody since 20.07.2024.

4. The allegation against the petitioner is
to outrage the modesty of minor daughter of the
informant aged about 12 years at the time of



occurrence, while she went to attend the natural call on 26.06.2024 at about 4:00 PM.

5. Learned Counsel appearing on behalf of the petitioner submitted that from the statement of victim as recorded under Section 164 of the Cr.P.C., it can be gathered safely that occurrence took place due to hot exchange for picking of maize from the field which belongs to petitioner. It is pointed out that abuse in caste name as per face of FIR not appears to be made in public view. While concluding the argument, it is submitted that the petitioner is a man of clean antecedent and moreover, investigation of this case is already completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP duly assisted by learned counsel appearing on behalf of the informant, while opposing the prayer of bail submitted that the allegation of outraging is available against this petitioner.

7. Considering the facts and circumstances



and by taking note of fact as the statement of victim as recorded under Section 164 of the Cr.P.C. *prima facie* suggest that occurrence took place out of dispute related with maize, where allegation is caste name not appears *prima facie* in public view, coupled with the fact that investigation of this case is already completed, where petitioner is in custody since 20.07.2024, accordingly, petitioner above named, is directed to be released on bail in connection with Gaurichak (Panchrukhiya) P.S. Case No. 298 of 2024 corresponding to Special (POCSO) Case No. 166/2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VII cum-Special Judge, POCSO, Patna/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C. /Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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