

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89834 of 2024

Arising Out of PS. Case No.-19 Year-2024 Thana- LUTUA District- Gaya

Ravindra Yadav son of Suresh Yadav R/o village- Dighasin, Ps- Lutua, Dist- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sunaina Kumari Daughter of Late Ram Kumar Bhuiyan village- Pandaul, Po- Cheki, Ps- Sherghati, Dist- Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek, Advocate

For the Opposite Party/s : Mr.Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-02-2025 Heard Mr.Abhishek, learned counsel for the petitioner and Mr.Sadanand Paswan, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 30.08.2024 in connection with Lutua P.S. Case No. 19 of 2024, F.I.R. dated 22.07.2024 registered for the offence punishable under Sections 74,75(2),351,352 of the Bhartiya Nayay Sanhita, 2023, Sections 3(1)(r)(s)/3(1)(w)(i), 3(2)(va) of the SC/ST (Prevention of Atrocity) Act and Sections 7 and 8 of the Protection of Children from Sexual Offences Act.

3. Allegations against the petitioner are that while the minor victim girl was sleeping in the house, he tried to



outrage the modesty of the minor victim girl.

4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR and the victim has been examined by the Medical Board and the Medical Board has found that the age of the victim between 18-19 years. In view of the finding of the Medical Board, no case is made out under the POCSO Act against the petitioner and apart from that, the medical report also reveals that there is no definite evidence of sexual intercourse, however, rape cannot be denied and apart from that, it appears from the FIR itself that the date of occurrence as alleged in the FIR is 20.07.2024 but the present FIR has been instituted on 22.07.2024 after delay of two days without giving any explanation of delay and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 30.08.2024.

5. Learned APP for the State has opposed the prayer for bail of the petitioner.

6. Considering the aforesaid fact, petitioner has



clean antecedent and medical report does not support the allegation as alleged in the FIR, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge-POCSO-cum-Additional Sessions Judge-VII, Gaya in connection with Lutua P.S. Case No. 19 of 2024, with the following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the



acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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