

**IN THE HIGH COURT OF JHARKHAND AT RANCHI
B.A. No. 4153 of 2020**

Sintu Yadav @ Sintu Kumar Yadav Petitioner (s)

Versus

The State of Jharkhand Opposite Party (s)

CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

For the Petitioner(s) : Mr. Pran Pranay, Advocate

For the State : Ms. Sweta Singh, APP

2/Dated: 21st July, 2020

Heard through V.C.

2. Learned counsel for the petitioner undertakes to remove the defects as pointed out by the office within a period of four weeks from today.
3. The instant application has been preferred by the petitioner for grant of regular bail in connection with Jasidih, P.S. Case No. 294 of 2016, corresponding to POCSO Case No. 82A/2020, registered under Sections 363, 366A, 376 of the Indian Penal Code and Section 4/6 of the POCSO Act, pending in the court of learned Additional Sessions Judge-III, Deoghar.
4. The facts of the case is that the petitioner is named in F.I.R. Initially, this case was registered under Section 363 of the I.P.C. On 19.03.2018, police arrested the accused petitioner and produced him before the court and court granted bail because alleged section 363 IPC was bailable in nature. During investigation of the case, I.O. got the statement of victim recorded under Section 164 Cr. P.C in the court, in which victim has stated about rape, upon which Section 366 (A)/34, 376 IPC and Section 4/6 POCSO Act was added in the FIR vide order dated 01.10.2018. After investigation, I.O. has submitted

charge-sheet under section 363, 376, 34 IPC and 4/6 POCSO Act against three accused persons namely Sintu Kumar Yadav (petitioner), Rakesh Kumar Gupta and Naresh Yadav and accordingly, cognizance was taken. After cognizance, accused petitioner remained absent and for his appearance all the processes were issued. As one of the accused was in jail custody hence, the file of this petitioner was separated for his appearance. On 17.07.2019, charge was framed against rest one accused Naresh Yadav under Section 363/34,376 IPC and 6 POCSO Act. In her statement recorded under section 164 Cr. P.C. the victim has alleged about rape by co accused however, the petitioner was involved in this occurrence. The anticipatory bail petition filed by the petitioner was rejected by the court below on 04.02.2020 and on 14.03.2020, police arrested this petitioner on the strength of process and he was remanded in this case.

5. Learned counsel for the petitioner submits that the petitioner was initially granted bail. However, after the statement recorded by the victim girl under Section 164 of the Cr. P.C. process were issued. He further contended that from the statement recorded u/s 164 Cr.P.C. it would transpire that the petitioner has not committed rape upon her. He further submits that the charge-sheet has already been submitted in this case and thereafter, his bail was cancelled. He was having no intention to avoid the process of law and he will be abiding the conditions as imposed

by the learned trial Court. He further relied upon the judgment given in the case of ***Dinesh Kr. Vs. The State of Jharkhand*** as reported in ***2011 (3) JLJR 253***.

6. Learned Addl. P.P. opposes the prayer for bail and submits that the allegation against the petitioner is very serious in nature. She further submits that the petitioner has moved earlier for grant of anticipatory bail before the learned trial Court and the same was rejected and thereafter, he was arrested by the police.

7. In view of the aforesaid facts, petitioner is directed to be released on bail. At present the petitioner shall be released on furnishing personal bail bond of Rs. 5,000/- (Five thousand only), thereafter when the lockdown period is over, the petitioner shall furnish bail bond of Rs. 10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-III, Deoghar, in connection with Jasidih, P.S. Case No. 294 of 2016, corresponding to POCSO Case No. 82A/2020, within a period of one month from the date of lifting of lockdown.

8. Further, The petitioner shall appear on each and every date during trial before the learned trial court whenever the functioning of regular court begins, till then the petitioner shall register his presence before the concerned police station fortnightly failing which the learned trial court shall be at liberty to cancel his bail.

9. With the aforesaid directions this bail application is allowed and disposed of.

Amardeep/

(Deepak Roshan, J.)