

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9629 of 2020

Arising Out of PS. Case No.-48 Year-2018 Thana- TARIYANI CHAPRA PS District-
Sheohar

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GAURI RAJAK @ GAURI KUMAR, Son of Lalan Rajak, Resident of
Village- Lautan, P.S.- Minapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Devendra Kumar, Adv.

For the Opposite Party/s : Mr.Vinod Shanker Modi, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 19-06-2020 This case has been heard through Video
Conferencing.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case
registered for the offence punishable under Sections 363,
366(A), 376 of the Indian Penal Code and Section 4 POCSO
Act.

Prosecution case in brief is that one Sukhiya Devi,
who happened to be informant of this case has given a written
application to the Officer in Charge of the concerned P.S.
alleging therein that on 12.06.2018 at about 5.00 o'clock
evening she was at her door then Mithu Rajak, Gauri Rajak



Jayhind Rajak and Ajay Rajak came with two motorcycles and taken away to her daughter aged about 14 years for the purpose of marriage at that time she was present at her door ran to catch her daughter but the accused persons have fled away.

Learned counsel for the petitioner submits that the petitioner is quite innocent and has not committed any offence rather he has been falsely implicated in this case due to in relation of Mithu Rajak. After completion of investigation, the police has found case true against one of the accused Mithu Rajak and submitted charge sheet against him on 11.09.2016 and exonerated the three accused persons i.e. Gauri Rajak, Jayhind Rajak and Ajay Rajak from the case and not sent up for trial is at (Annexure-2 of the bail petition). The victim girl has been recovered and statement recorded under Section 164 of Cr.P.C. in which she has stated that she had gone with Mithu Rajak out of her own sweet will and she was not kidnapped and she has solemnized marriage with him. The petitioner has no criminal antecedent. The similarly situated co-accused namely Jayhind Kumar @ Jahindra Rajak has been granted Anticipatory Bail by the Co-ordinate Bench of this Court vide order dated 25.09.2018 passed in Cr. Misc. No. 50565 of 2018 and Mithu Rajak has also been granted Regular Bail in Co-ordinate Bench



of this Court vide order dated 14.12.2018 passed in Cr. Misc.
No.75090 of 2018.

Learned APP for the State opposes the prayer for bail
petition.

In the aforesaid facts and circumstances of the case, I
am inclined to grant anticipatory bail to the above named
petitioner, in the event of his arrest or surrender before the court
below within a period of six weeks from the date of receipt of
the order, be released on anticipatory bail on furnishing bail
bonds of Rs.25,000/- (Rupees twenty five thousand) with two
sureties of the like amount each to the satisfaction of the learned
A.D.J.-1st cum Special Judge, POCSO Act, Sheohar in
connection with Tariyani Chapra P.S. Case No. 48 of 2018,
subject to the conditions as laid down under Section 438 (2) of
the Code of Criminal Procedure.

(Anjani Kumar Sharan, J)

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