

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15107 of 2021**

Arising Out of PS. Case No.-19 Year-2019 Thana- MAHILA PS District- Gaya

SHARWAN KUMAR @ JAGGA Son of Sri Yamuna Yadav Resident of
Village - Kujap, P.S.- Chandauti, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.H.A. Khan, APP

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 11-08-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Mahila P.S. Case No.19 of 2019 (POCSO Case No.94 of 2019) registered for the offence punishable under Sections 376(D) of the Indian Penal Code, Section 4 of the POCSO Act.

The prosecution case in short is that while the informant had gone to attend the call of nature, she was forcibly caught hold by the petitioner and other accused persons, who



committed rape upon her and thereafter, gave threatening to not disclose the incident to anyone. Later on, she disclosed the incident to her mother.

It is submitted by learned counsel for the petitioner, that petitioner has been falsely implicated in this case. In her re-statement the informant has narrated the different story to the effect that at the time of occurrence she was indulged in physical relation with Puja Kumar @ Santosh Kumar in the vegetable field, at that time, the petitioner and others passing through that field humiliated Puja Kumar @ Santosh Kumar and committed rape upon her. The informant, further, in her statement recorded under section 164 of the Cr.P.C. disclosed that she was taken by both boys in forest where they committed rape and she became unconscious and when she regained consciousness, she reached near the house of Guddu. Similarly situated three co-accused persons namely Sintu Kumar @ Thepia, Jitendra Kumar @ Andapoch and Jeetu Kumar @ Jitu Kumar @ Chuhia have been granted bail by co-ordinate Bench of this Court vide order dated 18.02.2020 passed in Cr. Misc. No.68952 of 2019. Petitioner has no criminal antecedent and is languishing in custody since 23.12.2020.

Learned APP for the State opposed the prayer for bail.



Considering the facts and circumstances of this case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below, where the case is pending, in connection with Mahila P.S. Case No.19 of 2019 (POCSO Case No.94 of 2019).

(Anjani Kumar Sharan, J)

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