

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16375 of 2020

Arising Out of PS. Case No.-279 Year-2018 Thana- MURLIGANJ District- Madhepura

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Gaja Yadav @ Gajo Yadav Son of Late Bali Yadav @ late Bale Yadav
Resident of Tilkoda Gopali Tola Ward No. 13, P.S.- Murliganj, Distt -
Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : Mr. Rana Randhir Singh

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 02-12-2021 Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner is expected to
honour his undertaking to remove the defects as pointed out by
the office when called upon to do so by the office.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Murliganj P.S. Case no. 279/2018, POCSO Case No. 23 of
2018 instituted for the offence under Sections 376 (ii)/34 of the
IPC and section 4 of the POCSO Act.

As per allegation in the FIR, it is a case of committing
rape upon the victim, namely, Komal Kumari, daughter of the
informant, when she has gone for drinking water at the *basa* of



the petitioner.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. After investigation, final form has been submitted by the investigating authorities in which police has not found any complicity of of the petitioner in the present case. Thereafter cognizance has been taken by the learned learned court below. Victim has levelled allegation of rape against co-accused Ashish Yadav and not against this petitioner except catching hold her hand, which reveals from the statement recorded under section 164 Cr.PC. Para nos. 122, 123, 130 and 311 of the case diary are also not disclosing the complicity of the petitioner.

Learned APP appearing for the State has opposed the prayer of bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Murliganj P.S. Case no. 279 of 2018, POCSO 23 of 2018, he will be enlarged on bail 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 District and Sessions Judge 1st-cum-Special Judge,
Madhepura subject to the conditions as laid down under section
438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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