

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43780 of 2021**

Arising Out of PS. Case No.-190 Year-2020 Thana- NATHNAGAR District- Bhagalpur

Anil Yadav S/O Subhit Yadav R/O Village-Dogachchi, P.S.-Nathnagar,
District-Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Swapnil Kumar Singh

For the Opposite Party/s : Mr.Abhay Kumar Roy

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 02-11-2021

Heard learned counsel for the parties.

The petitioner seeks bail in POCSO Case No. 70 of 2020 (arising out of Nath Nagar P.S. Case No. 190 of 2020), registered for the offence under Sections 399, 402, 370, 370A, 34 of the Indian Penal Code, Sections 25(1-b)a, 26, 35 of the Arms Act, Sections 5/6/7/8 of Immoral Traffic Prevention Act and Section 4 of POCSO Act.

As per the prosecution case, on 21.03.2020, while the informant was on patrolling duty with other police officials, he got a secret information that some accused persons have assembled alongwith a girl in the house of co-accused Natwar Sah. Thereafter, it is alleged that they reached near the house of Natwar Sah and found 2-3 persons standing near a Maruti Zen Car and one girl was found on the back seat of the car and one



person was found in compromising condition, who disclosed his name as Natwar Sah and after search, arms were also recovered from his possession. Thereafter, on search of house of co-accused Natwar Sah, co-accused Dhiraj Kumar and Golu Kumar were apprehended and on search, arms were recovered from their possession.

It is submitted on behalf of petitioner that as per F.I.R. itself, petitioner was not arrested on spot and has been named in this case on the basis of confessional statement of co-accused Natwar Sah. The victim girl in her statement recorded under Section 164 Cr.P.C. has alleged that three persons have committed rape with her and all the three persons were arrested from the place of occurrence. There is no allegation against this petitioner of committing sexual assault. It is further submitted that co-accused Golu Kumar has already been granted bail by a coordinate Bench of this Court, vide order dated 21.10.2021 passed in Cr.Misc. No. 15249 of 2021. Petitioner is in custody since 18.06.2020.

Considering the aforesaid facts and circumstances, the bail petition of petitioner is allowed. Let the above-named petitioner 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 A.C.J.M. 1st, Bhagalpur in connection with POCSO Case No. 70 of 2020 (arising out of Nathnagar P.S. Case No. 190 of 2020).

(Prabhat Kumar Singh, J.)

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