

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.38161 of 2020**

Arising Out of PS. Case No.-9 Year-2020 Thana- MAHILA PS District- Khagaria

SANTOSH YADAV @ SANTOSH KUMAR Son of Rabin Yadav @  
Ravindra Prasad Yadav Resident of Mohalla- Rajajan, P.S.- Mansi, Distt-  
Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Mukul Jee

For the Opposite Party/s : Mr. M. K. Gautam, APP

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      02-08-2021                      Heard learned counsel for the petitioner and learned  
APP for the State through virtual mode.

Learned counsel for the petitioner is directed to  
remove the defects, as pointed out by the Office, within a period  
of four weeks after restoration of normalcy. .

The petitioner seeks anticipatory bail in Khagaria  
(Mahila) P.S. Case No. 09/2020 instituted for the offences  
under Section 376(D) of the Indian Penal Code and Section 4 of  
the POCSO Act which is pending in the Court of learned  
Additional Sessions Judge, 1<sup>st</sup> Khagaria.

Prosecution allegation, in short, is that the accused  
persons forcibly entered into the house of the informant and  
took away her daughter on the point of pistol and committed



rape on her

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case due to village politics. There is no medical report of the victim on record to support the allegations made in the F.I.R.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. The statement of victim was recorded under section 164 Cr.P.C. in which she has made specific allegation against the petitioner and others.

Considering the same, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected. If the petitioner surrenders in the Court below and prays for regular bail, the same shall be considered on its own merit without being prejudiced by this order.

**(Sudhir Singh, J)**

Pankaj/-

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