

**IN THE HIGH COURT OF JUDICATURE AT
PATNA
CRIMINAL MISCELLANEOUS No.9517 of 2022**

Arising Out of PS. Case No.-135 Year-2021 Thana- KURTHA District- Jehanabad

SINGLESY YADAV @ SINGLESY KUMAR S/o Jatan Yadav R/o village-
Barhia, P.S.- Kurtha, District- Arwal

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Adv. Mr. Aditya Shankar Prasad, Adv. Mr. Sanchay Srivastava, Adv. Mr. Arpit Anand, Adv. Mr. Sourav Suman, Adv.
For the Opposite Party/s :		Mr. RAJESH KUMAR, APP Mr. RAJNISH KUMAR, APP

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

5 01-11-2022 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State assisted by learned

counsel for the informant.

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

The petitioner is apprehending his arrest in a case
registered for the offence punishable under Sections 363,
366(A), 376, 120B, 306 and 506 of the Indian Penal Code read
with Section 4 of the POCSO Act and 5(i)(a)(c)(d) of Immoral



Traffic (Prevention) Act.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He submits that there is general and omnibus allegation levelled against the petitioner. He further submits that there is specific overt act against the brother of the petitioner Kamlesh Yadav. He submits that till date Police has not recorded the statement of the victim under Section 164 Cr.P.C. He submits that victim of the present case along with her daughters has also filed a petition in the learned court below for recording of their statement under Section 164 Cr.P.C. and the learned Special Judge has also ordered for recording of their statement under Section 164 Cr.P.C. despite that the police is evading from recording of their statement. He further submits that petitioner has no criminal antecedent as stated in para-3 of this application.

Learned APP for the State assisted by learned counsel for the informant oppose the prayer for bail and submit that petitioner is involved in the present case and there is ample evidence against him in the case diary.

Considering the facts and circumstances of the case and the fact that till date Police has not recorded the statement



of the victim under Section 164 till date which creates doubt on the prosecution case, let the above named petitioner in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, 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/successor court in connection with Kurtha (Manikpur) P.S. Case No. 135 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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