

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31082 of 2021

Arising Out of PS. Case No.-92 Year-2014 Thana- GOH District- Aurangabad

Arbind Kumar S/o Sidheshwar Yadav R/o Village Bhawanipur, P.S. Goh in
the district of Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Sunil Kumar
For the Opposite Party/s :	Mr. Madhura Nand Jha
	Mr. Shailesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 26-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in Goh P.S. Case
No.92 of 2014, registered for the offences punishable under
Sections 366(A), 504 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. The occurrence took place on 13.08.2014 but the
FIR was lodged on 16.08.2014. It is further submitted that the
petitioner is not named in the FIR. After investigation the police
submitted final form against the petitioner, but the learned court
below issued summon against the petitioner under Section 319
Cr.P.C. It is submitted that the victim girl has already
solemnized marriage with co-accused, Deonath Kumar. It is



lastly submitted that the petitioner has got no criminal antecedent as stated in paragraph-3 of the bail application.

Learned APP for the State as well as learned counsel appearing on behalf of the informant opposed the prayer for anticipatory bail of the petitioner and submitted that the statement of the victim was recorded under Section 164 Cr.P.C. in which she has stated that the petitioner has also committed rape upon her. It is also submitted that prayer for anticipatory bail of another co-accused, namely, Chandan Yadav @ Chandan Kumar has been rejected by a co-ordinate Bench of this Court vide order dated 07.05.2015, passed in Cr. Misc. No.52206 of 2014. Learned counsel for the informant relies upon a judgment of the Hon'ble Supreme Court passed in the case of Indresh Kumar Vs. The State of Uttar Pradesh & Anr. [Criminal Appeal No.938 of 2022 (Arising out of SLP (Cri.) No.4982 of 2022)].

From perusal of the records of the case, it transpires that Chandan Yadav is named in the FIR, but the petitioner is not named in the FIR. From perusal of the statement of the victim girl recorded under Section 164 Cr.P.C., it transpires that the victim girl had narrated the entire story to his guardian, but the father of the victim girl did not disclose the name of the petitioner at the time of lodging the FIR.



Taking into consideration the facts aforesaid, let petitioner, above named, 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 learned Additional District and Sessions Judge-VI-cum-Special Exclusive Judge (POCSO), Aurangabad, Bihar in connection with Goh P.S. Case No.92 of 2014, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J.)

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