

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49606 of 2021

Arising Out of PS. Case No.-13 Year-2020 Thana- MAHILA PS District- Gaya

GUDDU KUMAR @ RAJ SAGAR Son of Dwarika Yadav Resident of
Village - Simra, P.S. - Barachatti (Mohanpur), District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 54040 of 2021

In

CRIMINAL APPEAL (SJ) No.3206 of 2021

Arising Out of PS. Case No.-13 Year-2020 Thana- MAHILA PS District- Gaya

PAPPU KUMAR @ PAPPU YADAV Son of Triloki Yadav Resident of
Village - Simra, P.S.- Mohanpur, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 49606 of 2021)

For the Petitioner/s : Mr. Arvind Kumar Singh, Adv.

For the Opposite Party/s : Mr. Binay Krishna, APP

(In CRIMINAL MISCELLANEOUS No. 54040 of 2021)

For the Petitioner/s : Mr. Kumar Nikhil, Adv.

For the Opposite Party/s : Mr. Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 30-03-2022 Heard learned counsel for the petitioners and the

learned A.P.P. for the State.

The petitioners seek bail in a case registered for

the offence under Sections 366(A), 376(D), 504, 506 and

509 of the Indian Penal Code and Section 6 of POCSO Act and



Section 3(1)(r)(s)(w)(i) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Brief case of prosecution is that the victim, who is aged about 17 years is the informant of this case who had an affair with accused namely Chalitar Yadav. Chalitar Yadav, and other accused persons took her to Paharpur Railway Station on 02.09.2020 and thereafter, accused Chalitar Yadav took her in a shop where he made physical relation with victim by promising to marry her. Other accused persons were guarding the room. When the family members of the victim went to the house of the accused Chalitar Yadav with proposal of marriage, accused Chalitar yadav and his father Mahesh Yadav abused them with caste remarks.

Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedent, are innocent and have falsely been implicated in this case. He further submits that according to the F.I.R the petitioners are said to have been accompanied with the victim girl and the specific allegation of establishing physical relation with the victim is attributed to the co-accused, namely Chalitar Yadav and the petitioners are said to have been guarding the room at the time of alleged occurrence. He further submits that



the victim in her statement recorded under Section 164 Cr.P.C. has not disclosed the name of the petitioners and the doctor, who has examined the victim, has assessed her age about 19 year. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioners. The petitioners are rotting in judicial custody since 08.03.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Mahila P.S. Case No. 13 of 2020/POCSO Case No.100 of 2020 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.



(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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