

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19628 of 2023**

Arising Out of PS. Case No.-77 Year-2022 Thana- MADHUBANI TOWN District-
Madhubani

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Jitendra Yadav S/O Madan Yadav Resident Of Village Kantahi Bauwara Ps
Madhubani Town Dist Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prabhakar Thakur
For the Opposite Party/s : Mr.Ram Anurag Singh

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**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

3 17-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 376(DA) of the Indian Penal Code and Sections 4,6,8 and 12 of POCSO Act.

As per prosecution case, on 25.02.2022 when the sister of the informant along with Rajesh Kumar were going on E-Rikshow towards Ram Chouk and when they reached near another accused came on motorcycle and two accused persons who were sitting on E-Riksow forcibly took the victim on the motorcycle and all the three accused persons took the victim to lonely place beside bus stand. After giving information by



Rajesh Kumar, when the police reached at the place of occurrence out of five accused persons two fled away and three accused persons were caught hold by the police. The victim identified two accused namely Kishan Kumar and Shiva Kumar alleged to have committed rape with her and third accused Pankaj Ram alleged to have outraged her modesty. The apprehended accused persons also told the name of the two accused who fled away as Jitendra Yadav and Sanjay Kumar Jha.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and he has falsely been implicated in the present case due to previous enmity and on suspicion. It is further that although the petitioner named in the F.I.R. but no specific overt-act in respect of commission of rape against this petitioner. The specific overt-act of rape against the co-accused Kishan Kumar and Shiva Kumar. The victim in her statement recorded u/s 164 of Cr.P.C. which is annexed with the case diary, has not stated about complicity of this petitioner and she has not named anyone in her statement. She has specifically stated that two boys taken away to her and committed rape with her. It is also submitted that petitioner is languishing in judicial custody since 17.11.2022.



Learned APP appearing for the State has vehemently opposed the prayer for Bail.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Madhubani Town P.S. Case No. 77 of 2022 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VI-cum-Special Judge (POCSO), Madhubani.

(Sunil Kumar Panwar, J)

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