

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34824 of 2023

Arising Out of PS. Case No.-57 Year-2017 Thana- GAYA MUFASIL District- Gaya

NAVEEN KUMAR @ NAVEEN PASWAN S/O UPENDRA RAM @
UPENDRA PASWAN R/O Village- Hemja, P.S- Wazirganj, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No.2, Adv.

For the Opposite Party/s : Mr.Rajeev Nayan, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 03-10-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in a case registered
for the offence punishable u/s 376, 328 IPC and section 4 of the
POCSO Act.

3. As per the prosecution case, one Mantu Yadav is said to
have committed rape upon the victim.

4. It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has committed no offence. He is
not named in the F.I.R. and has been falsely implicated in this
case due to ulterior motive. There is no specific allegation
against the petitioner. The statement of the victim was recorded
u/s 164 Cr.P.C., in which, she has taken the name of petitioner
and other accused persons including Mantu Yadav. It is further



submitted that the chargesheet has been submitted against Mantu Yadav. In the case diary, it is not disclosed that the investigation is going on against the other co-accused persons. An application has been filed u/s 319 of the Cr.P.C. to make the petitioner an accused in the present case and on that basis, the summon was issued against the petitioner. Petitioner has no criminal antecedent and similarly situated co-accused namely Santan Kumar has been granted anticipatory bail by a co-ordinate Bench of this Court vide Cr. Misc. No.41108/2019 dated 27.09.2019.

5. Learned APP for the State opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case and considering that the summon was issued against the petitioner u/s 319 Cr.P.C., let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, 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 Muffasil P.S. Case No.57 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



7. However, petitioner is directed to co-operate in the trial and if he fails to appear on two consecutive dates fixed by the learned Court below, his bail bonds shall be canceled by the learned Court below itself.

(Anjani Kumar Sharan, J)

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