

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38028 of 2023**

Arising Out of PS. Case No.-69 Year-2017 Thana- MAHILA P.S. District- Bhagalpur

Niranjan Yadav @ Niranjan Kumar Son of Jay Narayan Yadav Resident of
village - Badluchak, P.S. - Jagdishpur, Distt. - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ranjan Kumar Jha, Advocate
For the Opposite Party/s	:	Mr. Jharkhandi Upadhyay, A.P.P.
For the O.P. No.2	:	Mr. Mirtunjay Kumar Mishra, Advocate
		Mr. Sanjeev Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

6 06-11-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Mahila P.S Case No. 69 of 2017 dated 15.10.2017, registered for the offence punishable u/s 376(2)(i) and 376(D) of the Indian Penal Code (hereinafter referred as 'I.P.C') and Section 6/10 of POCSO Act, 2012.

4. As per the prosecution case, the petitioner and the co-accused person came to the house of the informant in drunken condition. They committed rape on the informant and fled away by threatening her. When the father of the informant went to the police station to lodge the F.I.R., police did not



register the F.I.R. It is further alleged that on the next day *Bada Babu* of the police station came to the house of the informant and requested not to lodge the F.I.R. against the petitioner. Also, the father of the petitioner offered R.S. 20,000/- to reconcile the matter.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case due to dirty village politics with malice intention. It is next submitted that there is a delay of four days in lodging the F.I.R without furnishing any explanation. It is further submitted that the informant was medically examined by the doctor, who assessed her age in between 15 to 17 years but the doctor did not find any physical and chemical injury on her body including private part. As per the Medical Report, there is no evidence of recent sexual intercourse. Learned counsel next submitted that the I.O. has found the case of the prosecution untrue under Sections 376(2) (i) and 376(D) of the I.P.C. and Section 6 and 10 of the POCSO Act and submitted the charge sheet under bailable sections, however, the learned Court below vide order dated 06.03.2021 took the cognizance under Section 376(D), 504 and 506 of the I.P.C. and Section 6 of POCSO Act. It is further submitted that The petitioner has one criminal antecedent as stated in para 3 of



the bail petition.

6. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Bhagalpur in connection with POCSO Case No. 5444 of 2017(arising out of Mahila P.S. Case No.69 of 2017), subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

8. The application stands allowed.

(Chandra Prakash Singh, J)

Nilmani/-

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