

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45767 of 2022

Arising Out of PS. Case No.-119 Year-2020 Thana- MAHILA PS District- Buxar

SANJAY YADAV @ SANJAY SINGH SON OF HARISHANKAR YADAV
R/O VILLAGE- KUKUDHA (DWARIKA DERA), P.S.- ITARHI,
DISTRICT- BUXAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Kamal Deo Sharma, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 02-01-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending arrest in connection with Buxar (Mahila) P.S. Case No. 119 of 2020 for the offence registered under Section 376, 506/34 of the Indian Penal Code and Section 6 of POCSO Act, 2012.

As per the prosecution story, one Chaturi Rajbhar, who is a married person used to lure the victim and even made sure that her arranged marriage is called off. Further allegation is that on the fateful night, two unknown persons came to her door and informed that Chaturi Rajbhar is waiting for her and accordingly she went out. Both of them left the place once she met Chaturi Rajbhar. He later raped her.

Learned counsel for the petitioner submits that he is



not named in the FIR but when the accused Chaturi Rajbhar was arrested, he made a confessional statement before the police that of the two persons who had called the victim girl, the petitioner was one of them. He however, submits that a perused of FIR shows that the victim girl has not attributed anything against them.

Learned APP for the State opposes the prayer for bail and submits that the petitioner is one of the two accuseds who facilitated the aforesaid allegation of rape against Chaturi Rajbhar.

Taking into account the fact that the specific allegation is against accused, Chaturi Rajbhar of committing rape, the lady in the FIR has alleged that although she was called by two unknown persons, they immediately left the place after leaving her there and had not done anything wrong to her and as the petitioner do not have criminal history, this Court is inclined to grant him privilege of anticipatory bail.

Let the petitioner, in the event of his arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional



Sessions Judge-VI-cum- Special Judge POCSO Act, Buxar in connection with (POCSO) A.B.P. No. 328/2021 arising out of Buxar (Mahila) P.S. Case No. 139 of 2021, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

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