

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20586 of 2024

Arising Out of PS. Case No.-712 Year-2023 Thana- GOPALGANJ TOWN District-
Gopalganj

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1. Anand Kumar Son of Motilal Ram Resident of village Hariharpur, P.S.-
Jadopur, Dist.- Gopalganj
 2. Rambhawan Yadav Son of Ramanand Yadav R/o Village- Nimiya, P.S.-
Prabhagpur, Dist.- Bahraich (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dharmveer Jha
For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 28-06-2024 Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners have prayed for regular bail in a case registered for the offence punishable under sections 376(DA) of IPC and Sections 4/8 of the POCSO Act and Sections 3/7(2)(b)(c) of the Prevention of immoral Trafficking Act.

3. Allegation against the petitioner No.1, namely Anand is that he committed rape with the informant/victim. It is further alleged against the petitioner No.2 that he also



involved in this alleged offence.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. They have falsely been implicated in this case. A statement has been made in para-3 of this petition that the petitioners have got no criminal antecedent. Moreover, they are languishing in judicial custody since 05.09.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail and submitted that the statement of the victim/informant was recorded under Section 164 of the Cr.P.C. wherein she deposed that petitioner No.1, namely, Anand Kumar committed rape with her. It is further submitted that victim was minor at the time of occurrence.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner No.2, namely, Rambhawan Yadav on bail. The above named petitioner is directed to be released on bail in connection with Gopalganj (Town) P.S. Case No. 712 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum Spl Judge, POCSO, Gopalganj.



7. So far as petitioner No.1, namely, Anand Kumar is concerned, there is direct allegation of rape against him as per the statement of victim/informant recorded under Section 164 of the Cr.P.C. So, I am not inclined to enlarge him on bail. As such, his prayer for bail stands rejected.

(Sunil Kumar Panwar, J)

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