

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15997 of 2024

Arising Out of PS. Case No.-3 Year-2023 Thana- MURAR District- Buxar

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Satguru Yadav @ Ravi Kant Yadav @ Balua @ Ravi Shant Kumar S/O-
Sirpat Yadav @ Sripati Yadav @ Shripati Singh R/O- Village- Shivpur Dera,
P.S.- Murar, Dist.- Buxar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar

For the Opposite Party/s : Mr. Choubey Jawahar

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 3 17-05-2024 1. Heard learned counsel appearing on
- behalf of the petitioner and learned Additional Public
- Prosecutor appearing on behalf of the State.
2. The accused/petitioner seeks bail in
- connection with Murar P.S. Case No. 3 of 2023,
- registered for the offences punishable under Sections
- 363, 366(A), 376, 354, 509, 379 of the Indian Penal
- Code and section 4/6 of POCSO Act.
3. The accused/petitioner is named in the F.I.R.
- and is in custody since 26.04.2023.
4. As per prosecution, one Raju Giri is to kidnap



the minor daughter of the informant aged about 13 years, who after recovery, named petitioner as one of the friend of named co-accused Raju Giri who kidnapped and committed rape upon her after taking into hotel at Ara.

5. Learned counsel appearing on behalf of the petitioner submitted that the thrust of allegation is availability against co-accused Raju Giri, where implication of this petitioner appears only out of friendship. It is submitted that there is a variation in statement of victim as recorded under Section 161 of Cr.P.C., *qua*, statement under Section 164 of the Cr.P.C for the reason that while recording the statement under section 161 of the Cr.P.C the allegation regarding rape is absent, which later on supported under the influence of parents in statement of under Section 164 of the Cr.P.C. It is submitted that on same very day medical examination of victim was conducted where no sign of rape was found. It is submitted that even the victim did



not stated anything incriminating against this petitioner while recording her statement under Section 164 of the Cr.P.C except that he called the victim from her house While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposed the prayer for bail.

7. Considering the aforesaid facts and circumstances as the allegation of rape is not available against this petitioner where implication appears *prima facie*, being friend of main accused Raju Giri, with coupled fact charge-sheet has already submitted, accordingly, above named petitioner, is directed to be released on bail in connection is directed to be released on bail by 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 District and



Sessions Judge- VI-Cum Special Judge, POCSO Act,
Buxar, where the case is pending in connection with
Murar P.S. Case No. 03 of 2023, subject to the
conditions as mentioned under Section 437(3) of the
Cr.P.C.

(Chandra Shekhar Jha, J)

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