

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 17768 of 2024

Arising Out of PS. Case No.-130 Year-2023 Thana- CHANAN District- Lakhisarai

Sanjay Yadav @ Saket Kumar Son of Shree Yadav R/O Village-Khaira, PS-Khaira, District-Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar, Advocate
For the Opposite Party/s : Mr. Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 21-03-2024 Heard learned counsel appearing on behalf of the parties.

2. The petitioner seeks bail registered for the offence under Section 376 of the Indian Penal Code and Section 04 of the POCSO Act.

3. As per the prosecution case, it is a case of rape upon the victim.

4. Learned counsel for the petitioner has submitted that petitioner has falsely been implicated in this case due to dirty family politics. He next submits that a compromise petition has been filed before the trial Court and the victim and the petitioner and the victim are legally wedded wife and they are willing to lead a happy conjugal life as is evident from the compromise petition. Petitioner has got clean antecedent as stated in para-3 of the petition and he is in custody since 20.10.2023.



5. Learned APP appearing for the State, opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case and also considering the compromise petition, let the petitioner, above named, be directed to be released on bail *after framing of the charge* in connection with Chanan P.S. Case No.130 of 2023 on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-VI-cum-Special Judge, POCSO, Lakhisarai.

7. The trial court is directed to conclude the proceeding of framing of charge according to law within a period of 15 (fifteen) days from the date of receipt of a copy of this order. However, it is made clear that *if the charge-sheet has not been submitted* then the above named petitioner shall be released on bail on furnishing bail bond with further condition that the petitioner have to present physically on each and every date before the Trial Court till conclusion of the proceeding of framing of charge.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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