

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23031 of 2024

Arising Out of PS. Case No.-348 Year-2023 Thana- DARBHANGA District- Darbhanga

Rajesh Yadav Son Of Shyam Lal Yadav Vill-Yadav Toli, Raj Kumar Ganj P.S-
Town Distt- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kedar Jha

For the Opposite Party/s : Mr. Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

2 29-04-2024 Heard learned counsel for the petitioner and learned
APP for the State. None appeared on behalf of the informant.

2. The petitioner apprehends his arrest in connection with Town P.S Case No. 348 of 2023 registered for the offences punishable under Section 448, 341, 323, 307, 354B, 376, 511, 504, 34 of Indian Penal Code and Section 8 of the POCSO Act.

3. Allegation against the petitioner is to have committed rape upon the daughter of the informant. It is further alleged that on protest, this petitioner also assaulted the daughter of the informant by means of iron rod.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case and there is no specific allegation against the petitioner.

5. Learned counsel for the State vehemently opposes the prayer for bail of the petitioner.

6. On perusal of the injury report as produced by the petitioner vide Annexure-2 to the present petition and impugned



order dated 31.01.2024 it appears that only one abrasion over forehead and a mild scalp swelling over frontal bone in left side and no obvious intracranial contusion. The nature of injury is simple in nature and no allegation of sexual assault is made against the petitioner and there is specific allegation of sexual assault against the other co-accused persons.

7. Considering the aforesaid facts and circumstances of the case, submissions made on behalf of the petitioner, let the above named petitioner be released on bail in the event of his arrest or surrender before the court below within a period of six weeks from today on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge (POCSO Act), Darbhanga in connection with Town P.S Case No. 348 of 2023 subject to the condition as laid down under Section 438(2) of Cr.P.C. with further condition that petitioner shall not involve in the similar nature of offence, failing which, the prosecution may be at liberty to move before the Trial Court for the cancellation of bail bond of the petitioner.

(Ramesh Chand Malviya, J)

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