

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23755 of 2024

Arising Out of PS. Case No.-299 Year-2023 Thana- ARA MUFFSIL District- Bhojpur

Mallu Yadav @ Mallu Kumar @ Sanoj Kumar Yadav Son Of Shiv Kumar Yadav, Resident of Village - Gundi, P.S. - Krishnagarh (O.P.) Barahara, District – Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Md. Rafiq (father of the Victim), Resident of Matiyara, P.S. - Koilwar, District – Bhojpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Shweta Singh, Advocate.
	:	Mr. Pranjali Kumar, Advocate.
For the Opposite Party/s	:	Mr. Arun Kumar Singh, APP.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

3 10-05-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks regular bail in connection with Ara Muffasil P.S. Case No.299 of 2023, registered for the offences punishable under Section 376(D) of the Indian Penal Code and under Section 4 of POCSO Act.

3. As per the prosecution case, the petitioner alongwith other co-accused persons caught the informant near Bara Gaon and three of them committed rape with her and one co-accused is said to have made video of the incident.

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



the petitioner for committing rape of the victim rather the allegation against the petitioner is that he was making video of the incident. Learned counsel submits that petitioner has no criminal antecedent and he is in custody since 05.01.2024. He further submits that petitioner undertakes to cooperate in the investigation and trial. Learned counsel submits that similarly situated co-accused person namely Vidyanand @ Vidyanand Yadv has already been granted bail by this Court vide order dated 05.01.2024 passed in Cr. Misc. No.81843 of 2023.

5. Learned APP for the State has opposed the prayer for regular bail of the petitioner.

6. Considering the facts and circumstances of the case and the submissions of learned counsel for the parties, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. VI cum Special Judge POCSO Act, Bhojpur at Ara in connection with Ara Muffasil P.S. Case No.299 of 2023.

(Sunil Dutta Mishra, J)

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