

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38768 of 2024

Arising Out of PS. Case No.-27 Year-2023 Thana- MAHILA PS District- Khagaria

Abhishek Kumar Son Of Bilash Yadav Resident Of Village - Hardiya, Police Station - Chautham, District - Khagaria

... .. Petitioner/s

Versus

1. The State Of Bihar Bihar
2. Paddu Sah Son Of Late Satyanarayan Sah Resident Of Village - Farreh Ward No. 10, Police Station - Chouthan, District - Kahagaria

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Parmatma Singh, Adv.

For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 03-10-2024 Heard learned counsel for the petitioner and learned A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Khagaria Mahila P.S. Case No. 27 of 2023 dated 27.03.2023 registered for the offences punishable u/ss 366A, 376 read with Section 34 of the Indian Penal Code and Section 4 of the POCSO Act.

3. As per the prosecution case, when the informant's daughter was sleeping with her grand-mother in her house then the co-accused, Sintu Yadav and Munna Yadav along with three other unknown persons entered the house of the informant and took the informant's daughter towards the orchard of Arvind Rai



where they committed rape on her one by one. When the victim was in dying condition then all the accused persons left her and fled away.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the F.I.R. The name of petitioner has transpired in this case during the course of investigation. The victim in her statement recorded under Section 164 of the Cr.P.C. has not stated the name of the petitioner in the alleged offence rather she specifically alleged against the co-accused, Sintu Yadav who is the F.I.R. named accused person. The co-accused, Munna Yadav assaulted the victim after putting pistol on her temple. The medical board assessed the age of the victim as 18 to 19 years. It is further submitted that the petitioner has no concern with the alleged offence. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 19.03.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner and submitted that the victim is a minor girl.

6. Considering the aforesaid facts and circumstances



of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Khagaria in connection with Khagaria Mahila P.S. Case No. 27 of 2023.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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