

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71400 of 2024

Arising Out of PS. Case No.-45 Year-2024 Thana- MAHILA PS District- Buxar

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Babloo Yadav @ Babloo Singh @ Babloo Singh Yadav @ Babloo Kumar Son
Of Guddu Singh Yadav Resident Of Budhanpura (In House Of Kamlesh
Kumar Singh), P.S.- Buxar Town, Distt.- Buxar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ajit Kumar Tiwary S/o Shidhnath Tiwary R/o vill and P.O. - Girdharpur, P.s.
- Sikraul, Dist. - Buxar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar
For the Opposite Party/s : Mr.Jai Narain Thakur

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 23-10-2024 Heard learned counsel for the petitioner, informant
and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case
registered for the offence punishable under Sections 126(2),
115, 76, 62, 352, 351(2)/3(5) of the BNSS, 2023 and Section 8
of the POCSO Act.

3. Allegation against the petitioner is that he
committed sexual assault with the minor daughter of the
informant.

4. Learned counsel for the petitioner submits that
the petitioner is innocent and has been falsely implicated in this
case. He submits that the statement of the victim has been
recorded under Section 183 of BNSS and it is mentioned in



para-46 of the case diary that the witnesses is in a taunt state of mind to get her statement recorded. He submits that the medical report does not support the prosecution case. He further submits that petitioner has no criminal antecedent as stated in para-3 of the bail application.

5. Learned APP for the State and informant oppose the prayer for bail.

6. Considering the nature of offence, I am not inclined to enlarge the petitioner on bail. Accordingly, his prayer for anticipatory bail is rejected in connection with Buxar Mahila P.S. Case No. 45 of 2024.

7. However, if the petitioner surrenders before the learned court below within a period of six weeks from today and prays for regular bail, the same shall be considered by the learned court below on the same day without being prejudiced by this order considering the 183 of the BNSS statement of the victim.

(Anjani Kumar Sharan, J)

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