

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68684 of 2023

Arising Out of PS. Case No.-39 Year-2022 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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Anil Yadav, Male, aged about 54 years, S/O- Late Bindeshwari Yadav, R/O
Village- Paithanpura, P.S.- Kahalgaon, District-Bhagalpur.

... .. Petitioner

Versus

1. The State of Bihar.
2. Mala Devi, Female, aged about 40 years, W/O Dineshwar Prasad Das, R/O
Village- Baraini, Police Station-Kahalgaon, District-Bhagalpur.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Ram Sumiran Singh, Advocate
For the O.P. No. 2	:	M/S. Pankaj Kumar and Sadanand Prasad Deo, Advocates
For the State	:	Mrs. Usha Kumari 1, Spl. P.P.

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 18-04-2024 Heard learned counsel for the petitioner, learned
counsel for the opposite party no. 2 and learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Special POCSO Case No. 22 of 2023, arising
out of Complaint Case No. 39 of 2022 dated 16.06.2022
registered for the offences punishable under Sections 354B, 376,
420, 367, 368, 471 of the I.P.C., Later on, Section 3(x) of the
SC/ST Act and Section 8 of the POCSO Act were also added.

3. As per the prosecution case, on 15.06.2012, the
complainant went to Kahalgaon Block where she met to this



petitioner and he took her at the house of Rajesh Yadav and he made physical relationship with her and thereafter he continued to make physical relationship with her threatening to kill her husband and son. The petitioner continued to torture her since 2012. It is further alleged that the petitioner has also sexually assaulted her minor daughter.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. It is submitted that the petitioner is suffering from paralysis disease since 2017 and he could not move without any support. It is submitted that the petitioner is misusing her caste and trying to compel the petitioner to return her 35 decimal land which was sold by her husband in Mauza-Harchandpur, Thana No. 164, Anchal-Kahalgaon, Bhagalpur, on a consideration money of Rs. 9,00,000/-out of his 1.07 acres land executed through sale deed on 11.09.2020 by the complainant's husband and mutation of the same land has also been made in favour of the petitioner by the Anchal Adhikari, Kahalgaon after giving notice to the complainant's husband. The petitioner has already lodged a Sanha on 19.07.2021 vide Petition No. 3044 of 2021 with regard to his false implication by lodging the criminal case. The complainant has filed this instant case while the incident



took place in the year of 2012 and it is going on till the filing of the case. During that period she never made any complaint to any competent authority against the petitioner. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State and learned counsel for the opposite party no. 2 have opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special POCSO Court, Bhagalpur in connection with Special POCSO Case No. 22 of 2023, arising out of Complaint Case No. 39 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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