

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4567 of 2025

Arising Out of PS. Case No.-27 Year-2024 Thana- Bankebazar District- Gaya

Mukesh kumar S/o Vishundev Yadav R/o Vill- Vishunpur, PS- Banke Bazar,
Dist- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Madan Prasad S/o Late Arjun Mahto R/o vill - Vishunpur, P.S.- Banke Bazar,
Distt.- Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Chandni Kumari, Advcoate
For the Opposite Party/s : Mr. Mohammed Arif, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

4 09-05-2025 Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the informant.

2. Petitioner is in custody in a case registered for the
offence under Section 341, 3232, 354(B) 366(A), 379, 448,
504, 506, 511/ 34 of Indian Penal Code and Section 8 and 12 of
POCSO Act.

3. As per the prosecution case, it is alleged that on
21.04.2024 the petitioner along with other co-accused persons
forcibly entered in the house of the informant and put
vermilion(sindur) in the head of the minor victim daughter of
the informant. It is further alleged that petitioner and other co-
accuse persons also assaulted the family members of the
informant and snatched the jewellery of the family members.



4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. He further submits that the minor victim girl in her statement recorded under Section 164 Cr.P.C. has stated that previously, she used to have in telephonic conversation with the present petitioner and when her family members got information about the relation between them then she told the petitioner that she will not call him as her family members got knowledge about their relationship and on the same day of occurrence, the petitioner also called the victim but she did not respond. He further submits that there is not any allegation of sexual against the petitioner. He further submits that petitioner is in custody since 26.11.2024 and has got no criminal antecedent as stated in para-3 of the bail petition.

5. Learned APP for the State opposes the prayer for bail of the petitioner.

6. From perusal of the FIR, case diary which has been produced by learned counsel for the petitioner during course of the hearing of the bail petition and impugned order dated 16.12.2024, it appears that daughter of the informant used to have in telephonic conversation with the present petitioner. So, considering the aforesaid facts and circumstances of the case,



submission of learned counsel for the petitioner as well as the fact that petitioner has got no criminal antecedent as stated in para-3 of the bail petition and also the fact that there is not any allegation of sexual assault against the petitioner, let the above named petitioner be released on bail, on his furnishing bail bonds of Rs.10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VII-cum-Special Judge, POCSO, Gaya in connection with Banke Bazar P.S. Case No.27 of 2024.

(Ramesh Chand Malviya, J)

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