

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14919 of 2025

Arising Out of PS. Case No.-475 Year-2023 Thana- BODHGAYA District- Gaya

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Kailash Yadav @ Kailash Kumar Yadav, S/O Rooplal Yadav, Resident of
Village- Kherobar, P.S- Kodarma, District- Kodarma (Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Babita Devi, W/O Lakhan Yadav, R/O Village- Kanhoura, P.S- Bodh Gaya,
Distt.- Gaya, at present residing in the House of Sanjay Sau, Village- Cherki,
P.S- Sherghati, Distt- Gaya.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Hafiz Shahbaz Arif, Advocate
For the Opposite Party/s	:	Mr.Tarkeshwar Nath Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 19-04-2025 Heard Mr. Hafiz Shahbaz Arif, learned counsel for

the petitioner and Mr.Tarkeshwar Nath Thakur, learned APP for

the State.

2.The instant application for anticipatory bail has been

filed by the petitioner apprehending his arrest in connection

with Bodh Gaya P.S. Case No. 475 of 2023 instituted for the

offence under Section 376 of the Indian Penal Code.

3. The case of the prosecution based on the complaint

petition is that the petitioner has established physical

relationship with the complainant for many times. It is further

alleged that the associate of the petitioner, namely, Sourabh

Kumar has also established physical relationship with the



complainant. It is also alleged that both the petitioner and Sourabh established physical relationship for many times in the absence of the husband of the complainant and she was also threatened. It is also alleged that the act was also videographed and the same was forwarded to the family members of the complainant.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has falsely been implicated in this case. He has got no criminal antecedent. It has further been submitted that from perusal of the complaint petition itself it will transpire that the period of occurrence is from August 2022 to 5th February, 2023 whereas the complaint was lodged on 21.03.2023. From the complaint petition itself, it is clear that it is alleged that the petitioner has established physical relationship for many times but the complainant has not made any complain prior to this complaint. It has also been submitted by the learned counsel for the petitioner that similarly situated accused Sourabh Kumar has been granted anticipatory bail by learned Co-ordinate Bench of this Court vide order dated 24.03.2025 in Cr. Misc. No. 84573 of 2024. The case of this petitioner stands on similar footing.



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

6. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Bodh Gaya P.S. Case No. 475 of 2023, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Gaya, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Ashok Kumar Pandey, J)

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