

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49198 of 2025

Arising Out of PS. Case No.-147 Year-2024 Thana- MADANPUR District- Aurangabad

Jogendra Singh @ Yogendra Umar @ Yogendra Kumar @ Yogendra Singh
S/O Late Madhav Singh @ Madho Singh R/O Village- Gortara, P.S- Obra,
Distt.- Aurangabad. Petitioner/s

Versus

1. The State of Bihar.
2. Sanjay Bhuiya S/O Late Bigan Bhuiya, R/O Balhabar, P.S- Madanpur,
Distt.- Aurangabad.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Singh, Advocate

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 03-11-2025 Heard learned counsel appearing on behalf of
the petitioner and learned Additional Public Prosecutor
appearing on behalf of the State.

2. The accused/petitioner is not named in F.I.R.
and apprehending his arrest in connection with
Madanpur P.S. Case No. 147 of 2024, registered for the
offences punishable under Sections 363, 366(A)/34 of
the Indian Penal Code and later on Section 376 and
511 of the IPC and Section 4 of POCSO Act was added.

3. As per FIR, one Nitish Kumar alongwith
other known/unknown co-accused persons came to the
house of the informant and forcibly took away
informant's daughter and informant's sister on
motorcycle, aged about 15 and 16 years.



4. Notice was received by wife of opposite party no. 2, accordingly same deemed validly served upon. Despite of service, none appeared on behalf of the informant to join present proceedings.

5. Learned counsel appearing on behalf of the petitioner submitted that as per statement of victim recorded under Sections 161 and 164 of Cr.P.C., the thrust of allegation is available against Nitish Kumar, against whom, it is stated by daughter of the informant that she was taken away by co-accused Nitish Kumar, who solemnized marriage with her and, thereafter, established physical relation. It is submitted that no incriminating statement was given against this petitioner. It is pointed out that considering the aforesaid aspect, the named co-accused namely, Nagendra Singh @ Banarsi Singh @ Banarashi Singh was granted anticipatory bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 49666 of 2024 dated 16.06.2025. Petitioner claimed clean antecedent.

6. Learned APP opposed the prayer of bail.

7. Considering the aforesaid facts and circumstances and by taking note of fact as the thrust of allegation is available against co-accused, Nitish



Kumar, coupled with the fact that the victim failed to state any incriminating statement against this petitioner, while recording her statement under Sections 161 and 164 of Cr.P.C., who is a man of clean antecedent, accordingly, above named petitioner, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VI cum Special Exclusive Judge (POCSO), Aurangabad/concerned Court, where the case is pending in connection with Madanpur P.S. Case No. 147 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the BNSS.

(Chandra Shekhar Jha, J)

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