

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74737 of 2024

Arising Out of PS. Case No.-412 Year-2024 Thana- MASHRAK District- Saran

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Tuntun Kumar Yadav Son of Raj Kishore Yadav Village- Hanumanganj PS
-Mashrakh District- Saran

... .. Petitioner/s

Versus

1. The State of Bihar bihar
2. Anu Kumari Daughter of Sujit Ram Village- Hanumanganj PS -Mashrakh District- Saran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nalin Kumar, Advocate

For the Opposite Party/s : Mrs. Usha Kumari 1, APP

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4 28-02-2025 Heard learned counsel for the petitioner and

learned APP for the State.

2. The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Mashrakh P.S. Case No. 412 of 2024 instituted for the offence punishable under Sections 126, 115(2), 64, 351(2), 3(6) of the BNS and Sections 3(1) (r) (s) (w) and 3(2) (va) of the SC/ST Act and Sections 4 and 6 of the POCSO Act.

3. The case of the prosecution is that when the informant, who is aged about 16 years went to ease herself in the east of her house, the petitioner along with other accused persons came there, gagged her mouth and took her to



Kaliasthan at Hanumanganj towards north of temple. Thereafter, co-accused Jitesh Kumar committed rape upon the informant thereafter put vermilion on the head of the informant and threatened her of dire consequences. He directed this petitioner along with other to see and to report if anybody comes.

4. It is submitted by learned counsel for the petitioner that petitioner is innocent and has committed no offence. He has falsely been implicated in this case. Petitioner is not named in FIR rather his name has come in the statement of the victim recorded under section 183 of BNSS.

5. Learned APP has opposed the prayer for bail of the petitioner. During course of investigation, the victim has given her statement recorded under section 183 of BNSS wherein she has stated about the occurrence and has named the petitioner also as one of the persons accompanying co-accused Jitesh. His role is that he has to see and to report if anybody comes. It is well settled that those also serve who wait and watch.

6. Having heard learned counsel for the parties and considering the facts and circumstances of this case, this Court is not inclined to grant anticipatory bail to the petitioner and, as such, his application for anticipatory bail is rejected.



7. However, if the petitioner surrenders and prays for regular bail, the same shall be considered by the court below, without being prejudiced by this order of rejection.

(Ashok Kumar Pandey, J)

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