

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79099 of 2024

Arising Out of PS. Case No.-52 Year-2023 Thana- MAHILA P.S. District- Samastipur

Ashok Yadav S/o- Baleshwar Yadav Resident of Village- Paridah PS-
Hasanpur, Dist- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Babita Devi D/o- Bido Yadav R/o- Larjhaghat Ps- Bithan Dist- Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Gajendra Prasad Yadav, Adv.
For the informant	:	Mr. Saroj Kumar Sharma, Adv.
For the Opposite Party/s	:	Mr.Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 12-02-2025 Heard Learned Counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Mahila P.S. Case No. 52 of 2023, dated 25.06.2023 lodged
under Sections 376, 420, 341, 504, 506, 363/34 of the I.P.C. and
u/s 17 of the POCSO Act.

3. As per the prosecution case, the F.I.R. has been
lodged against the sole petitioner with an allegation that he
developed physical relation with the informant on the pretext of
marriage. It has been further alleged that when the informant
became pregnant then on many occasions, abortion has been
made but lastly when her pregnancy was at mature stage then
doctor refused for abortion and, therefore, a child has been taken



birth.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He submits that the anticipatory bail of the petitioner has been rejected vide order dated 03.07.2024 passed in Cr. Misc. No. 6023 of 2024. Learned Counsel further submits that the petitioner is in custody since 18.07.2024 having clean antecedent. Learned Counsel further submits that the petitioner is ready to fulfill all the conditions for bail whatsoever shall be imposed upon him.

7. Learned counsel for the informant vehemently opposes the prayer for bail and submits that the way in which the petitioner was treated and tortured is subject to crime as has been categorically stated in the F.I.R. Therefore, he may not be granted bail and the bail application may be rejected.

8. Learned A.P.P. for the State opposes the prayer for bail.

9. Upon the specific query from the Counsel for the petitioner that what is the stage of the trial, Learned Counsel submits that he is not in position to intimate to this court that what is the position of the trial.

10. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named



granted bail after framing of charge, if the charge is not framed, and on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned 10th Additional & Session Judge, Samastipur in connection with Mahila P.S. Case No. 52 of 2023, subject to the following conditions as laid down under Section 437(3) of Cr.P.C.

(Dr. Anshuman, J.)

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