

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80190 of 2024

Arising Out of PS. Case No.-40 Year-2024 Thana- MAHILA PS District- Gaya

Rahul Kumar S/O Lalu Yadav @ Lalu Prasad Yadav Resident of village -
Kewali, P.S- Chandauti, District Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Divya Bharti D/o Bipin Yadav Resident of Village- Ahiyapura, P.S.-Konch,
District-Gaya, At present Resident of Village- Kewali, P.S.-Chandauti,
District-Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4 05-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case
registered for the offence punishable under sections 75 of BNS
and Sections 8 and 12 of the POCSO Act.

3. The case of the prosecution is that the informant
was playing outside her house at that time one boy boarded her
on his bike and took her to the orchard and tried to use force
against her. After this, she assaulted with a brick on the head of
the boy and raised alarm. Thereafter, the boy fled away from
there.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. He has falsely been implicated in this case. During course of investigation, the victim has given her statement under section 183 of BNSS wherein she has supported the case of prosecution. Learned counsel for the petitioner has further submitted that during trial, the victim has been examined as P.W.-1 and she has not identified the petitioner in the court and she has been declared hostile. Moreover, the petitioner is languishing in judicial custody since 19.08.2024.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Mahila P.S. Case No. 40 of 2024 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned District and Additional Sessions Judge-VI-cum-Special Judge POCSO Act, Gaya.

(Ashok Kumar Pandey, J)

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