

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87275 of 2024

Arising Out of PS. Case No.-1 Year-2023 Thana- MADHEPURA COMPALINT CASE
District- Madhepura

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Md. Yusuf Ali @ Md. Yusuf S/o- Late Md. Suleman Village- Bairbana W.No-8, P.S.- Singheshwar Distt.- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Complainant as name X Victim D/o- Md. Jumman Village- Bairbana W.No-8, P.S.- Singheshwar Distt.- Madhepura.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sharda Nand Mishra, Advocate
		Mr. Atul Kumar, Advocate
		Mr. Dhandev Kumar, Advocate
For the Opposite Party/s :		Mr. Pranav Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 18-01-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. This application for grant of anticipatory bail arises out of Complain Case No. 1 of 2023, disclosing offence under Section 376 of I.P.C. and 4 POCSO Act.

3. The prosecution case, as per the complaint, the victim was residing with her maternal grandfather and on 15.06.2022 in the night the petitioner committed rape on the point of gun upon the complainant. Thereafter, he repeatedly committed rape due to which she conceived, thereafter, she was forcibly taken before doctor for abortion by the petitioner.



4. Learned Counsel for the petitioner submits that a frivolous and concocted complaint has been filed by the complainant as a counterblast of the Complain Case No. 87 of 2023 filed by the petitioner on 16.02.2023 against the father of the complainant and other family members for an occurrence which had taken place on 15.02.2023 on the ground that the complainant's father and other family members forcibly started constructing the hut upon the land of the petitioner. After the complaint was filed on 16.02.2023 by the petitioner, on 20.03.2023 the complainant also filed a complaint against the petitioner bearing Complain Case No. 129 of 2023 on the same fact which was dismissed due to non-prosecution on 16.08.2023. After filing of the first complaint on 20.03.2023, again on the same allegation second complaint was filed on 27.03.2023, i.e., the Complain Case No. 1 of 2023 in which cognizance has been taken against the petitioner under Section 376 and 4 POCSO Act.

5. After having heard learned Counsel for the parties concerned and taking into consideration the fact that prior to the lodging of the first complaint by the petitioner, Complain Case No. 87 of 2023 was filed by the petitioner against the complainant's father and other family members due to land



dispute. Just after filing of the first complaint, another complaint on the basis of same allegation was filed by the complainant on 27.03.2023, I am inclined to grant the petitioner privilege of anticipatory bail.

6. This application is, accordingly, allowed.

7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-Cum-Special Judge, POCSO, Madhepura, in connection with Complain Case No. 1 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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