

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.26353 of 2018

Arising Out of PS.Case No. -2 Year- 2018 Thana -RAUTA District- PURNIA

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Mukund Kumar Yadav @ Rajesh Kumar Yadav, son of Sri Umesh Lal
Yadav @ Umesh Yadav, resident of village -Kilpara, P.S. Rauta/Routa,
District- Purnea.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

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

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 03-05-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection
with Special Case No. 3 of 2018 arising out of Rauta P.S. Case
No.2 of 2018 registered under Sections 376, 352, 323, 504 of the
Indian Penal Code and Section 4 of the Protection of Children
from Sexual Offences Act, 2012.

It is submitted by the learned counsel for the
petitioner that the first information report has been instituted on
the basis of a complaint, which was referred to the police under



sub-section (3) of Section 156 of the Code of criminal Procedure for investigation. It would be evident from perusal of the complaint that for an occurrence which took place on 9th of October, 2017, the complaint was filed on 07.11.2017 and there is no plausible explanation for the undue delay caused in institution of the complaint. It is further contended that though the informant is aged about 19 years, her age in the complaint has wrongly been mentioned as 14 years. It is further contended that the petitioner no.1 is a young boy aged about 22 years and the complaint has been filed in order to compel him to be ready for marriage with the complainant.

On other hand, learned counsel for the State submitted that the delay caused in filing of the complaint has properly been explained by the complainant. He submitted that in the complaint itself it is stated that the petitioner had taken ten days time in order to convey the parents of the complainant regarding the proposal of marriage of the complainant put by them with petitioner Mukund Kumar Yadav.

Having heard the parties and perused the record, in the event of arrest or surrender in the court below within six weeks from today, the petitioner is directed to be released on



bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge (POCSO), Purnea in connection with Special Case No. 3 of 2018 arising out of Rauta P.S. Case No.2 of 2018 subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Ashwani Kumar Singh, J.)

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