

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.74907 of 2018

Arising Out of PS. Case No.-391 Year-2018 Thana- BRAHMPUR District- Buxar

Lal Bahadur Yadav S/o Chandrama Yadav Resident of Village- Nuaon P.S.
Krishna Brahm District Buxar ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Mahendra Prasad Singh, Adv.
For the Opposite Party : Mr. Rajballabh Singh, APP 122

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 10-01-2019 Heard the learned counsel for the petitioner and the
learned counsel appearing for the State.

The petitioner is languishing in judicial custody since 16.09.2018 in connection with Brahmpur P.S. Case No. 391 of 2018 for the offences alleged under Sections 341, 323, 448, 354B, 379, 504 and 506/34 of the Indian Penal Code and 4 and 8 of the Protection of Children from Sexual Offences Act.

The prosecution case, as lodged by the informant, is that while his daughter, Sanju Kumari, was cooking food co-accused, Sunil Yadav, tried to molest his daughter. When the informant objected the family members of the petitioner came and started abusing the informant. Allegation upon the petitioner is that he took away the cycle of the informant.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and is a student pursuing his study in the University and the present case is a counter blast to altercation between the two parties, earlier for which a first information report was lodged by the petitioner's side against the informant's side, being Krishna



Brahm P.S. Case No. 357 of 2018. It is submitted that the provisions of Protection of Children from Sexual Offences Act will not be applicable against the petitioner as no allegation has been made against the petitioner under Section 4 or 8 of the Protection of Children from Sexual Offences Act.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Brahmpur P.S. Case No. 391 of 2018 to the satisfaction of the learned Chief Judicial Magistrate, Buxar, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(Nilu Agrawal, J)

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