

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6509 of 2020

Arising Out of PS. Case No.-534 Year-2019 Thana- BIKRAMGANJ District- Rohtas

Manoj Kumar Yadav, S/o Bal Bachan Yadav, R/o village- Dhamar, P.S.- Ara
Muffasil, District- Bhojpur, Ara

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Subodh Kumar Jha, Advocate
		Mr.Sarveshwar Tiwary, Advocate
For the Opposite Party/s :		Mr.Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 28-05-2020 The matter has been listed today for consideration through video conferencing in view of the nationwide lockdown on account of COVID-19 pandemic.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Bikramganj P.S. Case No.534 of 2019 instituted for the offence punishable under Section 354A of the Indian Penal Code and Section 10 of the POSCO Act.



The allegations made in the F.I.R. are that the petitioner has made some obscene demand from the girl aged about seven years in the School and forcibly pecked her on her cheek. The F.I.R. has been lodged by the Headmaster of the School in question, though, according to the informant, he was informed about the said incident by the class teacher of the girl in question.

The petitioner's counsel submits that the petitioner along with others police personnel of the Riot Control Police Force had been lodged in two rooms of the School. The Headmaster had been trying to get the rooms vacated. Two days prior to the occurrence, there was a hot exchange of words between the petitioner and the Headmaster on account of his demand for vacating the rooms. The petitioner had told the informant that for having the Force removed from the school, he was required to talk to the Superintendent of Police. It is in this context that the petitioner's counsel submits that the petitioner has been implicated falsely.

The submission is also to the extent that the petitioner is a family man having two children aged 11 and 8 years and the alleged victim girl in her statement recorded under Section 164 Cr.P.C. has denied the allegations and has stated that she has not



named any police personnel. Such statement of the victim girl has been taken note of in the order dated 06.01.2020, whereby the petitioner's prayer for bail was rejected by the court below. It is further submitted that the petitioner is in custody since 03.12.2019 and has no criminal antecedents.

Learned APP for the State has opposed the prayer for bail. He submits that the petitioner is not entitled to any leniency.

Considering the rival submissions, this Court is inclined to allow petitioner's prayer for bail.

Accordingly, let the petitioner, above named, 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 the learned ^{1st} Additional District & Sessions Judge, Rohtas (Sasaram), in connection with Bikramganj P.S. Case No.534 of 2019, subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each



date and if he fails to do so on two consecutive dates,
his bail bond will be liable to be cancelled.

It is further made clear that during currency of the
nationwide lockdown due to COVID-19 pandemic, requirement
of furnishing bail bonds and conditions shall remain suspended
and the petitioner be released on executing and furnishing his
personal bond to the satisfaction of the court concerned.

The petitioner must comply with the requirement of
furnishing bail bonds and conditions in terms of this order
within four weeks after normal working resumes, failing which
bail granted under this order shall stand cancelled and petitioner
shall be liable for the consequences thereof in accordance with
law.

Let this order be communicated, without any delay, to
the court of ^{1st} Additional District & Sessions Judge, Rohtas
(Sasaram) and the competent authority of the State in terms of
clause (4) i of Notice II published in the Cause List uploaded on
the website of the Patna High Court.

(Madhuresh Prasad, J)

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