

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.15574 of 2022**

Arising Out of PS. Case No.-33 Year-2021 Thana- MOUZAHDIPUR District- Bhagalpur

SURAJ YADAV S/o Late Naresh Yadav R/o Muhalla- Warsaliganj, P.S.-  
Mojahidpur (Babarganj), District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Diwakar Upadhyaya, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

3      10-08-2022                      Heard learned counsel for the petitioner and learned  
counsel for the State.

Let the defect(s), if any, as pointed out by the office  
be removed within four weeks.

The petitioner is in judicial custody in connection  
with Mojahidpur (Babarganj) P.S. Case No. 33 of 2021 (arising  
out of POCSO Case No. 77 of 2021) for the offences under  
registered under Sections 341, 323, 354(B), 504, 506 and 34 of  
the Indian Penal Code and Section 8 of the POCSO Act.

The allegation in the FIR is that the accused persons  
including the petitioner herein used to follow the informant and  
her sister and when they were on way to school also, were also  
teased/abused. On the fateful day, it is alleged that they came to  
the house of the informant and abused/assaulted the sister and



parents of the informant.

Learned counsel for the petitioner submits it is counter blast to the Mojahidpur P.S. Case No. 39 of 2021 for the offence under Sections 341, 323, 307, 379 and 504 of the Indian Penal Code on 25.01.2021. He further submits that in any case for the alleged act, the petitioner has suffered by being in jail since 09.08.2021 (as stated in paragraph-6 of the bail application).

Learned APP for the State submits that the petitioner has criminal antecedent and allegation is that he used to tease/abuse the informant and her sister.

Taking into account the aforesaid facts that the petitioner is in custody since 09.08.2021 and charge sheet stands submitted, this Court is inclined to grant him the privilege of bail with certain conditions in view of the fact that he has criminal antecedent.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of Exclusive Special Judge, POCSO Act cum Additional District and Sessions Judge -VI, Bhagalpur in connection with Mojahidpur (Babarganj) P.S. Case No. 33 of 2021 (arising out of POCSO Case No. 77 of 2021),



subject to the following conditions.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

**(Rajiv Roy, J)**

Jagdish/-

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