

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26103 of 2022

Arising Out of PS. Case No.-483 Year-2021 Thana- BARH District- Patna

RAKESH YADAV Son of Jawahar Yadav Resident of Bhatgao, P.S.- Barh,
District – Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Bihari Singh
For the Opposite Party/s : Mr.Kalyan Shankar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 01-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection with Barh P.S. Case No.483 of 2021, registered for the offences punishable under Section 354(B) of the Indian Penal Code and Section 8 of the POCSO Act.

The petitioner is said to have tried to outrage the modesty of the informant.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. The petitioner has got no criminal antecedent as stated in paragraph-3 of the bail application. It is further submitted that the occurrence took place on 13.11.2021, but the FIR was lodged on 16.11.2021 after delay of three days.



Learned APP for the State opposed the prayer for anticipatory bail of the petitioner and submitted that the allegation is specific against the petitioner and the victim is a minor girl.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

However, if petitioner surrenders before the learned court below within a period of six weeks from today and prays for regular bail, the learned court below shall consider the prayer for regular bail of the petitioner preferably on the same day without being prejudiced by this order considering the fact that there is delay of three days in lodging the FIR.

(Anjani Kumar Sharan, J)

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