

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29179 of 2022**

Arising Out of PS. Case No.-9 Year-2022 Thana- SALAIYA District- Aurangabad

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1. Radhe Yadav Son of Naresh Yadav Resident of Village- Ranidih , P.S- Salaiya , Dist- Aurangabad (Bihar)
 2. Saryu Yadav @ Sarju Yadav Son of Naresh Yadav Resident of Village- Ranidih , P.S- Salaiya , Dist- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Leelawati Kumari
For the Opposite Party/s : Mr. APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 15-06-2022 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

At the outset, learned counsel appearing on behalf of
the petitioners submitted that petitioner no.1 (Radhe Yadav) has
been arrested during the pendency of the present anticipatory
bail petition, as such he seeks permission to withdraw the
present anticipatory bail petition on behalf of the petitioner no.1.



Permission granted.

Accordingly, the present anticipatory bail petition as regard to petitioner no.1 (Radhe Yadav) stands dismissed as having become infructuous.

Now, the present anticipatory bail petition is limited to petitioner no.2 i.e., Saryu Yadav @ Sarju Yadav.

The petitioner apprehends his arrest in connection with Salaiya P.S. Case No. 09 of 2022 registered for the offence under Sections 323, 504, 366, 366(A) of the Indian Penal Code and Sections 7 and 8 of the POCSO Act.

The accused/petitioner is named in the F.I.R.

The allegation against the petitioner is to give threat to the informant to not lodge any case regarding the occurrence.

Learned counsel appearing on behalf of the petitioner submitted that the present F.I.R. has been lodged against the petitioner which is delayed about three months without having any explanation. It has also been submitted that being the uncle of the main accused, the petitioner has been implicated in the present case having limited allegations to threat the informant as regard to lodging of the present case. It has further been submitted that the petitioner is a man of clean antecedent.

Learned APP appearing on behalf of the State while



opposing the prayer for bail fairly conceded that the allegation is limited only advance threat to the informant.

Considering the facts and circumstances as mentioned above, as the allegation against the petitioner, who is the uncle of the main accused, is limited only advance threat to the informant, let the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail in connection with Salaiya P.S. Case No. 09 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-VI-cum-Special Exclusive Judge (POCSO), Aurangabad (BIHAR), subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and further subject to the conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioner, duly supported by



the documents.

(ii) That one of the bailors shall be Mahesh Yadav, who is the uncle of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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