

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34983 of 2022**

Arising Out of PS. Case No.-50 Year-2021 Thana- RAJAON District- Banka

1. RAJIV YADAV Son of Bhawesh Yadav Resident of Village - Kathcharar,. P.S.- Rajoun , Distt.- Banka.
2. Chandan Yadav @ Chandan Kumar Yadav Son of Bhawesh Yadav Resident of Village - Kathcharar,. P.S.- Rajoun , Distt.- Banka.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Praveen Kumar
For the Opposite Party/s	:	Mr.Prem Kumar Jha
		Mr.Jitendra Kumar Giri

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 27-09-2022 Heard the parties.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

The petitioners apprehend their arrest in a case registered for the offence punishable under section 341, 323, 354(B), 504, 506, 34 of the Indian Penal Code.

Allegedly, one Bhawesh Yadav molested the 5 year old grand daughter of the informant. It is further alleged that when the informant went to the house of the accused Bhawesh Yadav for enquiring about the incident, then the petitioners started



abusing him.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. There is no specific overt act against the petitioners. There is no allegation against the petitioners that they molested the grand daughter of the informant. The occurrence took place on 11.12.2020 but the F.I.R. was lodged on 04.02.2021 i.e. after a delay of more than two months, without giving any plausible explanation regarding the said delay, which creates a serious doubt on the prosecution story. Petitioners have two criminal antecedent.

Learned APP for the State opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, since there is delay in lodging the F.I.R., let the above named petitioners be released on bail, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the



like amount each to the satisfaction of the learned court below
where the case is pending/Successor Court in Rajoun P.S. Case
No.50 of 2021, subject to the conditions as laid down under
Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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