

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13023 of 2023

Arising Out of PS. Case No.-291 Year-2021 Thana- BIKRAM District- Patna

DINANATH YADAV @ DINA NATH YADAV S/O LATE KAILASH
YADAV R/v- Faridpur, P.S.-Bikram, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Madhukar Anand, Advocate
For the Opposite Party/s	:	Mr. Binay Krishna, A.P.P.
For the Informant	:	Mr. Diwakar, Advocate
		Mr. Sudhakar Ranjan, Advocate
		Mr. Prashant Sharma, Advocate
		Mr. Shivam Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 21-07-2023 1. Heard learned counsel for the petitioner, learned A.P.P. for the State and learned counsel for the informant.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 354(B) of the Indian Penal Code, Sections 8 and 12 of the POCSO Act as well as Sections 3(1)(r)(s)(w) and 3(2)(Va) of the SC/ST Act.
3. Learned counsel for the petitioner submits that by order dated 23.05.2023 notices were issued upon the opposite party no. 2 and the notices were filed in time and thereafter the same was served on the opposite party no. 2. It is further submitted that in the notice, the date fixed for the case is 04.08.2023 but it appears that inadvertently the case has been listed today.



4. The case would have fixed for 04.08.2023 but then since the informant has appeared as such the Court is taking up the matter.

5. Learned counsel for the petitioner submits that petitioner has antecedent of two cases.

6. The informant alleges that petitioner touched her inappropriately and tried to outrage her modesty but on alarm her aunt came and petitioner fled away.

7. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is further submitted that the police after threadbare investigation came to a considered conclusion that the informant has falsely implicated the petitioner and thus submitted final form in favour of the petitioner but the learned trial court differing with the police report in mechanical manner took cognizance by order dated 18.07.2022 (Annexure-2) to this application, thus, petitioner apprehends his arrest. Learned counsel next submits that when one investigating agency after a threadbare investigation has come to a considered conclusion that petitioner is innocent then would it be prudent and justified to send the petitioner to jail at this stage.

8. Learned A.P.P. for the State and learned counsel for



the informant opposed the prayer for anticipatory bail of the petitioner but are not in a position to rebut the submission of the learned counsel for the petitioner that the police after investigation submitted final form and the learned trial court differing with the police report took cognizance.

9. Considering the submissions made by the learned counsel for the petitioner, 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 on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Bikram P.S. Case No. 291 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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