

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14934 of 2023

Arising Out of PS. Case No.-90 Year-2022 Thana- ANTI District- Gaya

BINOD YADAV @ BINOD KUMAR @ BINOD KUMAR YADAV S/O
Musafir Yadav R/O Village- Kasturi Khap, P.S- Anti, District- Gaya
... .. Petitioner/s

Versus

THE STATE OF BIHAR Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vinod Kumar, Advocate
For the State	:	Mr. Shantanu Kumar, APP
For the Informant	:	Mr. Vishwa Ranjan Chaudhary, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-05-2023 Heard the parties.

The petitioner is apprehending his arrest in connection with Anti P.S. Case No 90 of 2022 for the offence under Sections 379, 354, 504 and 506 of the I.P.C. and Sections 8 and 12 of POCSO Act lodged on 27.10.2022 by the informant Kajal Kumari.

The prosecution story, in brief, is that on 27.10.2022, the informant 'X' was with her buffalo near her house, in the meantime, Binod Yadav, the petitioner herein caught her hand and pulled her forcibly. However, the informant any how managed to make herself free whereafter he abused and snatched chain from her neck. As her family members came, he fled away.

It has been contended by learned counsel for the petitioner that a bare perusal of the FIR would show that the



occurrence is of 24.10.2022 whereas the F.I.R. was lodged on 27.10.2022 and the said inordinate delay has not been described. Further, even going by the allegation, it is clear that the same has been exaggerated to implicate the petitioner herein.

Learned APP opposes the prayer stating that there is allegation of trying to take away the minor girl.

Considering the fact that there is an inordinate delay of three days in lodging of the F.I.R., the petitioner do not have criminal antecedent and will ultimately have to face the trial. this Court is inclined to extend him the privilege of anticipatory bail with conditions.

Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Exclusive Special Judge POCSO-cum-Additional Sessions Judge-VII, Gaya, in connection with Anti P.S. Case No. 90 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. 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 reason will entail cancellation of his bail bond by the Trial Court itself;

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

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) 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 anticipatory bail application is allowed.

(Rajiv Roy, J)

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