

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23285 of 2023

Arising Out of PS. Case No.-613 Year-2022 Thana- BANKA District- Banka

1. BINOD YADAV SON OF BHUDEO YADAV RESIDENT OF VILLAGE - SINGHO, P.S. - BANKA (SADAR), DISTT. - BANKA
2. RAJ KUMAR YADAV SON OF KAPILDEO YADAV RESIDENT OF VILLAGE - SINGHO, P.S. - BANKA (SADAR), DISTT. - BANKA
3. VIKASH KUMAR SON OF LAL MOHAN YADAV RESIDENT OF VILLAGE - SINGHO, P.S. - BANKA (SADAR), DISTT. - BANKA
4. BIPIN KUMAR SON OF BHITHAL YADAV RESIDENT OF VILLAGE - LARAIYACHATTI, P.S. - KATORIA, DISTT. - BANKA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aditya Nath Pandey, Adv.

For the Opposite Party/s : Mr.Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 24-06-2023 Heard the learned counsel for the
petitioners and learned APP for the State.

This is an application for grant of
anticipatory bail in connection with Banka P.S. Case
No.613 of 2022, registered for offences under
Sections 341, 323, 448, 354 and 34 of the Indian
Penal Code and Section 12 of the POCSO Act, 2012.

The allegation is regarding the accused
persons including the petitioners herein, having
arrived at the house of the informant, whereafter



they are alleged to have engaged in misconduct with the daughter of the informant and had tried to take her out of the house by dragging her, however upon an alarm being raised by the informant, the co-villagers had arrived there, leading to the accused persons including the petitioners herein fleeing away.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. The learned counsel for the petitioners has further submitted that a general and omnibus allegation has been levelled against the petitioners and in fact there is no allegation of the petitioners having specifically engaged in any sort of untoward incident, hence benefit of doubt be granted to the petitioners, for the purposes of grant of anticipatory bail.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and



circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the petitioners are not alleged to have engaged in commission of any untoward incident qua the informant or her daughter, though, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail, however, subject to the condition that in case any such incident occurs in future and the informant makes a complaint before this Court and files appropriate petition for cancellation of bail, this Court would consider canceling the privilege of anticipatory bail being granted to the petitioners herein.

Accordingly, the above named petitioners are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below, within a period of four weeks from the date of receipt/production of a copy of this order, 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 Court of Additional Sessions Judge-6-cum-Special Judge POCSO, Banka in connection with Banka P.S. Case No.613 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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