

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25369 of 2023

Arising Out of PS. Case No.-305 Year-2022 Thana- RAHUI District- Nalanda

Kaushik Yadav S/O Ajay Yadav @ Nikhil Yadav Resident Of Village- Rahui
P.O. And P.S.- Rahui, District- Nalanda (Bihar).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Chandra Kant, Advocate
For the Informant	:	Mr. Vikash Kumar, Advocate
For the Opposite Party/s	:	Mrs. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-05-2023 Learned counsel for the petitioner is permitted to make necessary correction in Para-3 of the bail petition during course of the day.

Heard learned counsel for the petitioner, learned counsel for the informant and learned Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since 04.03.2023 in connection with Rahui P.S. Case No. 305 of 2022, F.I.R. dated 05.06.2022 for the offences punishable under Sections 354, 504 and 506 of the Indian Penal Code and Sections 8 and 12 of the POCSO Act.

According to prosecution case, in brief, that the first information report was registered on the basis of self containing statement of informant namely Porash Yadav stated therein that



on 30.4.2022 at 12 o'clock his daughter was coming to take articles, when she reached at corn crops field then accused was there, he caught hand and started misbehaving with daughter of informant, at any how daughter of informant run away and saved her prestige, informant daughter narrated the entire episode to informant and his wife, when informant went to house of accused person then villagers get pressure to compromise the matter and accordingly informant did not file any case, informant has further stated that on 4/6/2022 at 6 PM when her daughter was coming back from tuition then accused person gave one chit of paper in the hand of daughter of informant and in that chit of paper it is written that if case is filed then her father will be killed, when informant went to house of accused person then accused started abusing informant.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. and it appears from the F.I.R. that the date of occurrence as alleged in the F.I.R. is 30.04.2022 but the present F.I.R. was instituted on 05.06.2022 after delay of 36 days without any explanation of



delay and after thought the present F.I.R. is instituted only to implicate and harass the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 04.03.2023.

The learned counsel appearing on behalf of the informant and learned Additional Public Prosecutor for the State have vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one, in which he is on bail. Learned counsel for the informant further submits that the trial is going on and the victim has been examined by the learned Trial Court.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.- 7-cum-special court POCSO Bihar Sharif, Nalanda, in connection with Rahui P.S. Case No. 305 of 2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present



as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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