

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.28304 of 2023**

Arising Out of PS. Case No.-6 Year-2022 Thana- MAHILA P.S. District- Araria

Neeraj Kumar @ Niraj Kumar @ Gabbo, Son of Shree Naresh Yadav,  
Resident of village- Shekhpura, Ward No. 07, Police Station- Bhargama,  
District- Araria

... .. Petitioner

Versus

1. The State of Bihar
  2. Kanchan Kumari, Daughter of Bechan Yadav, Resident of village-  
Shekhpura, Ward No. 07, Police Station- Bhargama, District- Araria
- ... .. Opposite Parties

**Appearance :**

For the Petitioner/s : Mr. Rama Nand Poddar, Advocate  
For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

2      07-07-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

The petitioner in the present case is seeking pre-arrest  
bail in connection with Mahila P.S. Case No. 06 of 2022  
registered for the offences punishable under Sections 354(A),  
341, 323, 504, 506/34 of the Indian Penal Code, Sections 8/14  
of the Protection of Children from Sexual Offences (POCSO)  
Act and Section 67(B) of the Information Technology Act. He  
has got no criminal antecedent.

As per the prosecution story, on 05.01.2022 at about  
05:30 P.M. when the informant went to the dam to attend nature  
call, the petitioner along with one unknown person who was  
already present there, misbehaved with her and took



objectionable photographs with her and made the same viral on the social media.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Learned counsel further submits that the petitioner and the opposite party no. 2 are living a happy conjugal life after their marriage.

Learned APP for the State has opposed the anticipatory bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it appears from the observations of the learned Additional Sessions Judge VI, Araria in the impugned order that the victim girl has retracted from her earlier statement and presently the petitioner and the victim girl are living a happy conjugal life after their marriage, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner shall be released on bail in connection with Mahila P.S. Case No. 06 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge- 4<sup>th</sup> (Spl. Judge, POCSO) Araria, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



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.

This application stands allowed.

**(Rajeev Ranjan Prasad, J)**

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