

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29935 of 2023

Arising Out of PS. Case No.-11 Year-2018 Thana- SC/ST District- Purnia

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Lalu Yadav Son Of Thakur Prasad Yadav Resident Of Village- Babhanpura
Ward No.- 3, P.S.- Dagarua Dist.- Purnia

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Inder Kumar Rai S/O Bazaru Rai Resident Of Village- Babhanpura, P.S.-
Dagarua Dist.- Purnia

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kumar Praveen

For the Opposite Party/s : Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 12-09-2023 Heard learned counsel for the petitioner,

informant and learned A.P.P appearing on behalf of the

State.

The petitioner is languishing in custody in a

case registered for the offences punishable under

Sections 147, 149, 341, 323, 447, 436, 307, 354C,

504, 506 of the Indian Penal Code, Section 12 of the

POCSO Act and Sections 3(1)(r)(s)(w)(ii) of the SC &

ST(Prevention of Atrocities) Act.

The prosecution case as per F.I.R is that during

Saraswati Puja, photograph of the informant's sister was

taken and posted on social media with caption (My GF)



regarding which the informant went to his lawyer to draft F.I.R. In the meanwhile, all the F.I.R named accused persons including the petitioner came there and called the informant outside the office and assaulted him. The accused persons also set the house of the informant on fire.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. There is general and omnibus allegation against the petitioner. For the alleged occurrence of 24.01.2018, F.I.R was registered on 26.01.2018 without explaining the delay. The injuries of the informant are on non-vital part of the body and simple in nature. The petitioner's side and the informant's side were on litigating term from before and during investigation, no consistent material evidence was collected against the petitioner. The petitioner is languishing in custody since 03.04.2023. A statement has been made in para 3 of the petition that petitioner



has no criminal antecedent. Moreover, other co-accused have been granted bail by a coordinate Bench of this Court vide order dated 07.02.2023 passed in Cr. Misc. No. 766 of 2023.

In contra, learned counsel appearing on behalf of the informant and learned A.P.P appearing on behalf of the State have vehemently opposed the prayer for bail of the petitioner.

Considering the facts aforesaid and the period under custody, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousands) with two sureties of the like amount each to the satisfaction of learned 6th Additional Sessions Judge-cum-Special Judge (POCSO Act), Purnea in connection with Special (POCSO) Case No. 09 of 2018, arising out of Purnea SC/ST P.S. Case No. 11 of 2018.

(Sunil Kumar Panwar, J)

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