

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40614 of 2023

Arising Out of PS. Case No.-299 Year-2022 Thana- DULHIN BAZAR District- Patna

Dhiraj Kumar, Son of Jodha Yadav @ Ramayodhya Yadav, Village- Nawada
P.S.- Dulhin Bazar, District- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms. Soni Kumari, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner in the present case is seeking pre-arrest bail in connection with Dulhin Bazar P.S. Case No. 299 of 2022 registered for the offences under Sections 341, 323, 354B, 34 of the Indian Penal Code and Sections 8, 12 of the Protection of Children from Sexual Offences Act. He has no criminal antecedent.

3. As per the prosecution story, on 15.11.2022 at about 04:00 P.M. when the informant was returning from her coaching to her home, the two FIR named accused persons, namely, Om Prakash and Sudhir Kumar tried to kidnap the informant. When the informant along with her two friends raised cry then both the accused persons fled away.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. It is further submitted that there is no specific allegation against him and he is not even named in the FIR.

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

6. Having regard to the fact that the petitioner is not named in the FIR, his name has figured in the statement under Section 161 Cr.P.C., however, no overt act has been alleged against him and he has no criminal antecedent, 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 Dulhin Bazar P.S. Case No. 299 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 District and Sessions Judge, VII -cum- Exclusive Special Court (POCSO Act), Patna, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. And further condition that while being on bail, the petitioner shall not approach the informant and her family members and shall, in no case, try to influence them. In case, the petitioner is found involving in such act, it will be open for the



informant to file an application for cancellation of the bail bond.

8. 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.

9. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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