

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55142 of 2022

Arising Out of PS. Case No.-159 Year-2019 Thana- BAIRIYA District- West Champaran

DILIP KUMAR @ LALU DAS SON OF KISHORI DAS R/O MALAHI
TOLA, P.S.- BAIRIYA, DISTT.- WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Adv.
For the Opposite Party/s : Mr.Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-01-2023 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in connection with Bairiya P.S. Case No. 159 of 2019 instituted under Sections 376, 511, 34 of the Indian Penal Code and Section 6 of POCSO Act.

As per the prosecution story, the allegation against the accused persons including the petitioner was/were of pressing her mouth and taking her to a bush where while allegation is that this petitioner hold her hand, one Seth Kumar Chaudhary tried to commit rape. She however, fled away from the said place and later the FIR was lodged.

Learned counsel for the petitioner submits that there is delay of 34 days in lodging of the FIR without any plausible reason. Further, the main accused, Seth Kumar Chaudhary



against whom she alleged to have tried to commit rape, has been extended the privilege of anticipatory bail by a coordinate bench in Cr. Misc. No. 48637 of 2019 (Annexure -2). He however, concedes that there has been delay on the part of the petitioner in approaching this Court.

Learned APP on the other hand opposes the prayer stating that allegation against them is/are of trying to outrage the modesty of the woman.

Taking into account the fact that the allegation was mainly against Seth Kumar Chaudhary who has since been granted anticipatory bail, this petitioner do not have criminal antecedent and at the time of occurrence, he was a young boy, ultimately he will be facing the trial, this Court is inclined to grant him relief with conditions.

Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Bairiya P.S. Case No. 159 of 2019 to the satisfaction of learned Additional District and Session Judge 7th cum Special Judge (POCSO), Bettiah, West Champaran, subject to the conditions as laid



down under Section 438(2) of the Cr.P.C and with conditons :

(i) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

(ii) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan
/Ajay Singh/-

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