

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58719 of 2023

Arising Out of PS. Case No.-26 Year-2023 Thana- NIMCHAKBATHANI District- Gaya

Pravesh Kumar Son of Ballu Yadav @ Lalo Yadav, R/o vill - Dhansura, P.S. -
Neemchak Bathani, Distt. - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad, Advocate

For the Opposite Party/s : Mr. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 20-09-2023 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in connection with Neemchak Bathani P. S. Case No. 26 of 2023 registered on 09.02.2023 for the offences punishable under Sections 323, 341, 379/34 of the Indian Penal Code read with Sections 8/12 of POCSO Act, 2012.

3. According to the prosecution, the allegation of trying to outrage the modesty of younger sister of the informant has been alleged against the petitioner.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that informant and petitioner are the next door neighbourers. He further submits that said offence is alleged to

be taken place on 06.02.2023 but the F.I.R. has lodged on 09.02.2023. Counsel further submits that the present case has been lodged for ulterior motive and the delay has not been explained even no ingredient of POCSO Act is applicable.

5. Learned APP for the State opposes the prayer for bail but submits that it is true from bare perusal of the F.I.R. the date of occurrence is 06.02.2023 and F.I.R. has been lodged on 09.02.2023 but delay has not been explained.

6. In the aforesaid facts and circumstances, let the above-named petitioner be released on bail, in the event of arrest or surrender before the learned Court below within 6 weeks from today, on furnishing bail bond of Rs. 30,000/- (Rupees Thirty Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, POCSO -cum- Additional Sessions Judge-VII, Gaya in connection with Neemchak Bathani P.S. Case No. 26 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dr. Anshuman, J.)

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