

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68686 of 2023

Arising Out of PS. Case No.-206 Year-2023 Thana- KUSHESHWARASTHAN District-
Darbhanga

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PANCHAM YADAV Son of Ramprit Yadav Resident of Village-Usri, P.S.-
Kusheshwarasthan, District-Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Girish Chandra Jha, Adv
For the Opposite Party/s : Mr.Uday Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 19-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Kusheshwarsthan P.S. Case No. 206 of 2023 registered on
14.06.2023 lodged under Sections 341, 323, 354B, 452,385,
386, 506 of the I.P.C. and 8/12 of POCSO Act

3. As per the prosecution case, F.I.R. has been lodged
against the present petitioner that he tried to enter into the house
of the informant and committing rape upon the minor daughter
of the informant.

4. Counsel for the petitioner submits that upon going
through the content of the F.I.R., it transpires that the said
allegation has been occurred in four parts i.e. first part, he



entered into the house, in the second part, he tried to outrage the modesty of the minor daughter, third part, there is demand of ransom and in the fourth part, threatening and subsequently, there is loot of cigarette, biscuit, etc.

5. Counsel further submits that petitioner submits that the present F.I.R. is the bundle of lie and file with ulterior motive because none of the offence is alleged to be completed. He further submits that petitioner is in custody since 18.06.2023 having four criminal case pending against him and all the four cases is of 2023. First case has been filed and thereafter, police has continuously inserted in other different cases.

6. Learned counsel for the State opposes the prayer for bail and submits that there are four criminal antecedents of the petitioner

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge (POCSO Act) Darbhanga, in connection with Kusheshwarthan P.S. Case No. 206 of 2023 subject to the following conditions as well as the condition laid down under Section 437(3) of the



Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) 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 bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

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

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

8. With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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