

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74103 of 2022

Arising Out of PS. Case No.-183 Year-2022 Thana- BELHAR District- Banka

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Lachhu Yadav @ Lachchhu Yadav Son of Tulsi Yadav R/V- Charaiya P.S-
Belhar, Dist- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since 14.05.2022, in connection with Belhar P.S. Case No. 183 of 2022, F.I.R. dated 14.05.2022 registered for the offences punishable under Sections 448, 354(B), 509 of the Indian Penal Code, Section 12 of the POCSO act but the police submitted chargesheet under Sections 448, 354(B), 509 of the Indian and Section 8 of the POCSO Act.

Allegation against the petitioner is that he has been harassing the informant for getting marries with him and on 13.05.2022 at about 7:30 P.M. he came to her house and forcibly tried to take her with him for the purpose of marriage and on raising alarm, her neighbours reached there and somehow saved



her.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. The petitioner has harassed the victim and he forcibly tried to abduct her. He further submits that there is no allegation of any sexual assault attributed against the petitioner and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 14.05.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case and the period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-6-cum-Special Judge, POCSO, Banka in connection with Belhar P.S. Case No. 183 of 2022, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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.

(Rajesh Kumar Verma, J)

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