

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**CRIMINAL MISCELLANEOUS No.307 of 2023**

Arising Out of PS. Case No.-290 Year-2014 Thana- NAANPUR District- Sitamarhi

YOGESH KUMAR RAM @ YUGESH KUMAR RAM Son of Amiri Lal  
Ram Resident of village - Bela Bahadurpur, P.S.- Nanpur, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ashok Kumar Jha  
For the Opposite Party/s : Mr. Chandra Sen Prasad Singh

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

2      17-05-2023                      Heard learned Counsel for the petitioner and  
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail,  
arises out of Nanpur Police Station Case No. 290 of 2014 dated  
14.09.2014, disclosing offences under Sections 376/313/504 of  
the Indian Penal Code and Section 6 of the POCSO Act..

The First Information Report was lodged in 2014.  
As per the allegation, the petitioner, on the pretext of marriage,  
sexually exploited the informant.

Learned Counsel for the petitioner submits that the  
police investigated the matter and submitted a final form in  
2014 itself, in which the petitioner has been exonerated and was  
not sent for trial, Annexure-2 is the copy of final form dated



02.12.2014. After seven years, from the date of the submission of final form, on 15.12.2021, the learned Additional District and Sessions Judge VI-cum-Special Judge POCSO Act, Sitamarhi, differed with the police report and took cognizance against the petitioner. Learned counsel further submits that there is no material available on record against the petitioner to connect him with present offence and both the victim-informant and the petitioner have solemnized marriage and are living together, which would be evident from the Annexure-4 to the application which is judgment of acquitted passed by the learned Sub-Divisional Judicial Magistrate, Pupri on 07.09.2012, in a case lodged by informant under Section 498A.

Regards being had to the submissions made on behalf of the parties and taking into consideration the materials available on record and the fact that the police after investigation submitted a final form in 2014 itself not sending the petitioner for trial, accordingly, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten



thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge-VI-cum-Special Judge POCSO Act, Sitamarhi, in connection with Nanpur Police Station Case No. 233 of 2021, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

**(Anil Kumar Sinha, J)**

ashwani/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

