

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14717 of 2024

Arising Out of PS. Case No.-83 Year-2023 Thana- MAHILA PS District- Darbhanga

Uday Mukhiya S/O CHANDESHWAR MUKHIYA R/O VILLAGE-
UDHARA, P.S.- BAHADURPUR (OP), DISTRICT- DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Udeshya Yadav, Advocate

For the Opposite Party/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 16-04-2024 Heard Mr. Udeshya Yadav, learned counsel for the
petitioner and Mr. Rajiv Nayan, learned APP for the State.

2. The petitioner is apprehending his arrest connection with Mahila P.S. Case No. 83 of 2023, F.I.R. dated 13.09.2023 registered for the offences punishable under Sections 354(B) of the Indian Penal Code and Section 8 of the POCSO Act.

3. The prosecution case, in brief, is that in the evening when the informant's minor daughter on 06.09.2023 at 06:00 P.M. went to Gachhi to attend call of nature and as she entered into the Gachhi, the accused petitioner with intention to commit rape upon the informant's daughter, took hold her hand and take her in Pith at Gachhi. It is further stated that the accused petitioner wrongful touched her body and tried to



commit rape upon her but the victim shouted loudly and hearing her voice, informant, her husband and other family members as well as villagers came there. They caught the accused petitioner and saved her daughter.

4. 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. He further submits that as per allegation in the F.I.R. the petitioner had tried to molest the daughter of the informant. Learned counsel for the petitioner further submits that the petitioner has filed a case against the husband of the informant bearing Bahadurpur P.S. Case No. 460 of 2023 on 16.09.2023 and due to retaliation the present F.I.R has been instituted and it appears from the F.I.R. of the informant that the alleged date of occurrence in the F.I.R. is 06.09.2023 but the present F.I.R. was instituted on 13.09.2023 after delay of seven days without giving any explanation of delay.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts that the petitioner



having clean antecedent and the F.I.R. has been instituted after delay of seven days, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Exclusive Special Judge (POCSO Act), Darbhanga in connection with Mahila P.S. Case No. 83 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 antecedent, 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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