

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24438 of 2024

Arising Out of PS. Case No.-266 Year-2023 Thana- DULHIN BAZAR District- Patna

Mukesh Kumar Yadav @ Mukesh Kumar son of Ramadhar Yadav Resident of
Village- Nawada Ps- Dulhin Bazar Dist- patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar, Advocate

For the Opposite Party/s : Mr. Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-07-2024 Heard Mr. Awadhesh Kumar, learned counsel for
the petitioner and Mr. Sadanand Paswan learned Additional
Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
03.02.2024 in connection with Dulhin Bazar P.S. Case No. 266
of 2023, F.I.R. dated 06.08.2023 for the offences punishable
under Sections 354, 504 and 506 of the Indian Penal Code,
Section 3(1)(r)(s) of the SC/ST Act and Section 12 of the
POCSO Act.

3. According to prosecution case, this petitioner
molested the informant and abused her by taking her caste name
and also threatened to kill her father and brother.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been



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 offences as alleged in the F.I.R. He further submits that it appears from the F.I.R that there is no specific allegation of any assault or overt act or molestation against the petitioner. He further submits that the statement of the victim was recorded under Section 164 of the Cr.P.C. in which she has not alleged anything against this petitioner and she has only stated that the petitioner has disturbed her. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 03.02.2024.

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

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Special Judge POCSO Court cum Additional District & Sessions Judge VII, Patna in connection with Dulhin Bazar P.S. Case No. 266 of 2023, subject to the following conditions:-

i. 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.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. 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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