

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34053 of 2024

Arising Out of PS. Case No.-8 Year-2024 Thana- MAHILA PS District- Buxar

1. Sonu Kumar @ Sonu Kumar Yadav Son of Gupteshwar Yadav @ Gupteshwar Singh Resident of village - Mishrawalia, Police Station - Buxar Mufassil, District - Buxar.
2. Manish Yadav @ Manish Kumar Son of Gupteshwar Yadav @ Gupteshwar Singh Resident of village - Mishrawalia, Police Station - Buxar Mufassil, District - Buxar.
3. Deepak Yadav Son of Bishram Yadav Resident of village - Mishrawalia, Police Station - Buxar Mufassil, District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Parijat Saurav, Advocate
For the Opposite Party/s : Mr.Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-05-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest in connection with Buxar Mahila P.S Case No. 08/2024 registered under Sections 341, 354(A), 504, 506 and 34 of the Indian Penal Code lodged on 08.02.2024 by the informant, Sumiran Kumari.

3. As per the prosecution story the informant alleged that when the minor girl came out of the school after appearing in +2 examination, these petitioners as also two-three other unknown accuseds came in white Bolero and started teasing,



harassing and abusing her. They also tried to force her into the car but as she raised alarm, the accused persons escaped. Accordingly, the F.I.R.

4. Learned counsel for the petitioners submit that alleged occurrence is of 01.02.2024 while the F.I.R was lodged on 08.02.2024. Further, earlier, the petitioner no 1 was thrashed by the brother of the informant which led to lodging of the Buxar (Mufassil) P.S Case No 34/2024 on 29.01.2024 and the present case is a counter blast to the earlier case. The last submission is that good sense has now prevailed upon the parties and they have entered into a compromise dated 29.02.2024 which is part of the record as Annexure -3 to the petition.

5. Learned Counsel as per instruction further submits that without accepting the allegation, given a chance, they would like to reform themselves by cleaning as also resurrecting of books/journals of the Library of the K.K. Mandal Womens College, Buxar every Saturday beginning the 1st of June, 2024 till 29th of June, 2024 for two hours.

6. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that two of the petitioners (petitioner nos. 2 & 3) have criminal antecedents.



7. Though the two petitioners have criminal antecedents and the allegation is blot on the society, there is delay in lodging of the FIR and the same has not been explained as also that as per the petitioners, another FIR against the brother of the informant is there from before.

8. Taking into account the aforesaid facts, this Court is inclined to grant them the privilege of anticipatory bail subject to following conditions:

(i) from 1st of June, 2024, the petitioners shall be visiting the K.K. Mandal Womens College, Buxar between 11:00 A.M to 1:00 P.M for cleaning its library as also resurrecting the books in the presence of the Librarian;

(ii) every week (8th June, 15th June 22nd June and 29th June, 2024), the Librarian shall provide a certificate to this effect to them individually;

(iii) at the end of the last Saturday ie. 29th of June, 2024, the consolidated certificate shall be provided by the Librarian individually to them duly counter signed by the Principal of the said college and the same shall be submitted to the concerned



court.

(iv) failure to submit individual certificates by the three petitioners, the State shall take steps for the cancellation of their bail bonds.

8. Let the petitioners, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional District and Session Judge VI, Buxar cum Special Court, POCSO Act, Buxar/successor Court in connection with Buxar Mahila P.S. Case No.08/2024 subject to condition as laid down under Section 438 of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her *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/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark their



respective attendance;

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

(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.

(Rajiv Roy, J)

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