

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39327 of 2024

Arising Out of PS. Case No.-798 Year-2023 Thana- BELAGANJ District- Gaya

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Kaushlendra Kumar Son of Mukeh Yadav Resident of Villlage - Barhi Bigha,
P.S- Belaganj, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Gaurav Kumar Verma, Advocate
	Mr. Madhav Kumar, Advocate
	Mr. Sitendra Kumar, Advocate
	Mr. Bikram Vishal Kumar, Advocate
For the Opposite Party/s :	Mr.Binod Kumar No. 3, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 26-06-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Belaganj P.S. Case No. 798 of 2023 registered under Sections 354(b), 323, 341, 504, 379 and 506/34 of the Indian Penal Code and Sections 8 and 12 of the POCSO Act lodged on 12.12.2023 by the informant, Soni Kumari.

3. As per the prosecution story, the informant alleged that when she was in her agricultural field, Harendra Kumar with bad intention came and threw her on the straw and tried to outraged her modesty. Upon protest, when his younger brother came to rescue, the accused persons including this petitioner



assaulted. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he is a young student, 19 years of age, main allegation is against Harendra Kumar of having outraging the modesty of the girl. Though there is omnibus allegation of assault, the same is exaggerated.

5. Further the submission is that without accepting the allegation and/or the outcome of the present petition, in view of the fact that the allegation is that the petitioner has assaulted the informant's younger brother, the petitioner (s) on its own would like to contribute Rs. 5000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the father of the boy after checking the credentials.

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that allegation of assault is there.

Taking into account the fact that the main allegation is against Harendra Kumar and he do not have criminal antecedent, this Court is inclined to grant him privilege of anticipatory bail subject to payment of Rs. 5000/-, as stated above.



Let the petitioner, 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 learned Additional Sessions Judge VI cum Special Judge, POCSO, Gaya, Bihar. in connection with Belaganj P.S. Case No. 798 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member 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 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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