

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49259 of 2024

Arising Out of PS. Case No.-30 Year-2024 Thana- BARACHATTI District- Gaya

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1. Arjun Yadav Son of Nanku Yadav Resident of Village - Kewla, Tola - Jharna, P.S. - Mohanpur, District - Gaya
 2. Sita Ram Yadav Son of Rohan Yadav Resident of Village - Kewla, Tola - Jharna, P.S. - Mohanpur, District - Gaya
 3. Aklesh Kumar Son of Sita Ram Yadav Resident of Village - Kewla, Tola - Jharna, P.S. - Mohanpur, District - Gaya
 4. Vinay Kumar Son of Sita Ram Yadav Resident of Village - Kewla, Tola - Jharna, P.S. - Mohanpur, District - Gaya

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Priyanka Kumari Daughter of Teni Yadav Resident of village - Kewala, Tola - Jharna, P.S.- Mohanpur, Dist.- Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Durgesh Nandan, Adv
For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 18-09-2024 Heard Learned Counsel for the petitioners and
learned APP for the State.

2. The petitioners are apprehending arrest in connection with Barachatti P.S. Case No. 30 of 24 lodged on 13.01.2024 for offences punishable under Sections 341, 323, 504, 506, 379, 307 and 34 of the Indian Penal Code and Sections 3 and 4 of the POCSO Act

3. As per the prosecution, F.I.R. has been lodged against seven named accused persons including the present



petitioner with an allegation that they have tried to outrage the modesty of the informant.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. He further submits that petitioner no. 2, petitioner no. 3 and petitioner no. 4 have clean antecedent whereas petitioner no. 1 has one antecedent in which he is on bail. He further submits that present case has been lodged under revenge. He submits that on the previous occasion injury report has been called for and from the injury report, it transpires that opinion was kept reserved.

5. Learned APP for the State opposes the prayer for bail and submits that F.I.R. has been lodged in two parts. In first part, the accused namely, Surendra Kumar has tried to outrage the modesty of the informant and in the second part, the other accused persons have assaulted the informant's brother. He further submits that offence of POCSO Act is not made out against any of the accused persons.

6. Considering the fact that petitioner no. 1 has actively participated in the alleged crime, this Court is not inclined to grant Anticipatory Bail to the petitioner no. 1. Accordingly, the bail application of the petitioner no. 1 is hereby



rejected.

7. However, if the petitioner no. 1 surrenders before the learned Court below within four weeks from today and prays for regular bail, the Trial Court shall consider the bail application of the petitioner on the same day on merit of the case including the injury report without being prejudiced of the present order.

8. So far as the petitioner nos. 2, 3 and 4 are concerned, they are directed to be released on bail, in the event of arrest or surrender before the learned Court below within a period of 4 weeks from today, on furnishing bail bond of Rs. 30,000/- (Thirty Thousand) each with two sureties of the like amount each to the satisfaction of the Exclusive Special Judge POCSO-cum-Additional Sessions Judge VII, Gaya subject to the condition as laid down under Section 438(2) Cr.P.C.

(Dr. Anshuman, J)

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