

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57804 of 2024

Arising Out of PS. Case No.-228 Year-2024 Thana- BRAHMPUR District- Buxar

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1. Rahul Kumar @ Rahul Yadav S/o Shiv Mohan Yadav R/o vill and P.O. - Nimej, P.S. - Brahmpur, Distt. - Buxar
 2. Rajesh Paswan @ Rajesh Kumar S/o Shambhu Paswan R/o vill and P.O. - Nimej, P.S. - Brahmpur, Distt. - Buxar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Asha devi Wife of Gorakh Mallah R/o Nimej, P.S.- Brahmpur, District- Buxar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ganesh Prasad Singh, Advocate

For the Opposite Party/s : Mr. Rabindra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 16-12-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 342, 354, 506 and 34 of the Indian Penal Code as well as Section 8 of the POCSO Act, 2012.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and the informant alleges that on 03.05.2024 she had come to the market for purchasing articles. Since there were too many articles purchased, hence, she called at her home asking her daughter to come to the market for helping in carrying the articles. Further,



when the daughter of the informant did not come she again called at her home when she was informed that the victim has left. The informant next alleges that while going back home when she reached near four lane she met her daughter who informed that while she was coming to the market petitioners started following her and they started behaving inappropriately. On alarm when people gathered, the accused persons fled away.

4. Learned counsel for the petitioners submits that the date of occurrence is 03.05.2024 and the FIR has been instituted on 07.05.2024 i.e. after a delay of four days of the occurrence without any plausible explanation. It is further submitted that daughter of the informant had committed theft of vegetable from the field of the petitioners on which there was an altercation and the petitioners had also complained to the informant as such the instant FIR came to be instituted falsely implicating the petitioners. It is next submitted that the alleged time of occurrence is 06:00 p.m. and the four lane is too busy a road which connects the market with village Nimej as such it does not appear probable that such occurrence would have been committed by the petitioners.

5. Learned A.P.P. for the State opposes the prayer for



anticipatory bail of the petitioners and submits that informant alleges that the petitioners acted inappropriately as described in the FIR with her daughter but then is not in a position to rebut the submissions of the learned counsel appearing on behalf of the petitioners that the FIR was instituted after a delay of four days of the occurrence. Learned A.P.P. further submits that if privilege of anticipatory bail is granted to the petitioners, the petitioners may abscond on which learned counsel appearing on behalf of the petitioners submits that petitioners will not abscond rather will cooperate in the investigation.

6. Considering the submissions made by the learned counsel for the petitioners, let the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty-five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Brahmpur P.S. Case No. 228 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that if the investigating officer of the case files an application bringing to the notice of



the learned trial court that petitioners despite giving assurance to this Court are not cooperating in the investigation, the learned trial court shall be at liberty to cancel the bail bonds of the petitioners.

(Satyavrat Verma, J)

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