

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73160 of 2024

Arising Out of PS. Case No.-544 Year-2023 Thana- KATEYA District- Gopalganj

Hari Upadhayay Son of Bhagwati Upadhyay Resident of village - Dharhara
Mela, P.S.- Kateya, Distt.- Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nebulal Ram S/o Chanan Ram R/v Dharhara Mela, P.S. - Kateya, Distt. - Gopalganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kumari Anupam

For the Opposite Party/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-10-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 354, 504, 506 and 34 of the Indian Penal Code, Section 3(i)(w), 3(2)(va) of the SC/ST Act and Sections 8 and 12 of the POCSO Act.

3. The learned counsel for the petitioner submits that petitioner had moved earlier seeking anticipatory bail by filing Criminal Appeal (SJ) No. 2828 of 2024, but the same was permitted to be withdrawn by an order dated 21.09.2024. It is next submitted that Criminal Appeal (SJ) No. 2828 of 2024 was



permitted to be withdrawn for the reason that a criminal miscellaneous was maintainable and not a criminal appeal.

4. Learned counsel for the petitioner next submits that petitioner is a person with clean antecedent and being father of Akash has been falsely implicated in the instant case by the informant when the thrust of the allegation is against Akash and Ankush who are alleged to have acted inappropriately with the minor daughter of the informant along with 5-6 unnamed accused. It is also submitted that the victim had called the informant informing him about the indecent act being performed by Akash, Ankush and unknown accused persons based on which he reached the place of occurrence when he was surrounded by the accused persons and assaulted and abused, but was saved with the help of passerby and when the informant went to the house of the Akash to complain about his conduct, when his father is alleged to have abused him in filthy language.

5. The learned counsel for the petitioner submits that petitioner has been implicated in the instant case only with a view to coerce Akash into submission along with Ankush who is cousin brother of Akash.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.



7. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Kateya P.S. Case No. 544 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. Accordingly, the instant anticipatory bail application stands allowed.

(Satyavrat Verma, J)

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