

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81993 of 2023

Arising Out of PS. Case No.-58 Year-2015 Thana- KURSAILA District- Katihar

GOPAL YADAV @ RAM GOPAL YADAV son of Ram Deo Yadav Village-
Rampur Gwal Toli Ps- Kursela Dist- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajendra Prasad Sah, Advocate

For the Opposite Party/s : Mr.Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-01-2024 Heard Mr.Rajendra Prasad Sah, learned counsel for

the petitioner and Mr.Brajendra Nath Pandey, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Kursela P.S.Case No.58 of 2015,G.R. No.1364 of 2015, FIR dated 25.05.2015 registered for the offences punishable under Sections 341,342,376,315,120(B) of IPC but the cognizance has been taken against the petitioner under Sections 201,312,313,120(B) and Section 17 of the POCSO Act.

3. Allegation against the petitioner is that he is instrumental in threatening the victim and family members and he used his influence in favour of the main accused. He is also instrumental in taking the victim to Doctor for abortion.

4. Learned counsel for the petitioner submits that the



petitioner has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR and the police after investigation submitted chargesheet in favour of the petitioner and the petitioner was not sent up for trial and the learned court below, differing with the report of the prosecution, has taken cognizance vide order dated 24.01.2023.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioner and submits that it appears from the FIR/complaint petition that the specific allegation against the petitioner and apart from the aforesaid the petitioner carries one more case other than the present one but fairly submits that the petitioner is on bail in the said case, as mentioned in para-3 of the anticipatory bail petition.

6. Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-VI-cum-Special Judge, POCSO, Katihar in connection with Kursela



P.S.Case No.58 of 2015,G.R. No.1364 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his/her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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