

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5194 of 2025

Arising Out of PS. Case No.-344 Year-2024 Thana- MOHANIYA District- Kaimur (Bhabua)

1. Lakshaman Yadav S/O Late Angad Yadav R/O Village - Sondhi, P.S. -Mohania, District- Kaimur at Bhabua
2. Murahu Yadav S/O Ram Awatar Yadav R/O Village - Sondhi, P.S. -Mohania, District- Kaimur at Bhabua
3. Ekadashi Yadav S/O Late Angad Yadav R/O Village - Sondhi, P.S. -Mohania, District- Kaimur at Bhabua

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Beuty Kumari D/O Abhishekh Singh R/O Village - Sondhi, P.S. -Mohania, District- Kaimur at Bhabua

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Tribhuwan Narayan, Advocate

For the Opposite Party/s : Mrs.Pushpa Sinha-1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 12-05-2025 Heard the parties.

2. The petitioners are apprehending arrest in connection with Mohania P.S. Case No. 344 of 2024 instituted under Section 147, 148, 149, 341, 323, 325, 354(B), 504, 506 of the Indian Penal Code and section 27 of the Arms Act and 8 and 12 of POCSO Act lodged on 11.06.2024 by the informant, Beuti Kumari.

3. As per the prosecution story, the informant alleged that when a minor girl of their family member was returning from the hand pump, the accused persons started teasing her.



Upon protest, with an intention to commit rape, they tried to take her away. As she raised alarm, the people assembled whereafter, the accused side assaulted them. The allegation against Banarsi Yadav is of assaulting Chandrabose Yadav on his head with iron rod, Lal Yadav assaulted Niwas Yadav by 'lathi' causing fracture. Thereafter, emergency No. 112 was called and they were taken to Mohania Hospital which followed the FIR.

4. Learned counsel for the petitioners submit that there is case and counter case. While they are facing Mohania P.S. Case No.344 of 2024, the accused side also lodged Mohania P.S. Case No. 345 of 2024 in which, there has been loss of life to their side. He submits that unfortunately, it has not been attached to the anticipatory bail petition for which he shall be paying Rs.200/- to the Patna High Court Legal Services Committee. The further submission is that in any case, the role has been assigned to Banarsi Yadav and Lal Yadav, an omnibus allegation is against these two petitioners.

5. Learned counsel representing the informant on the other hand submits that there is allegation of teasing the girl also and though the Police omitted under POCSO Act, cognizance has been taken.



6. Considering the submissions of the parties as also after perusing the case diary where independent witness Satyendra Yadav has narrated that there was fight between them, the teasing story is false, there has been death on the side accused side (Lalan Yadav), direct allegation is not against these petitioners, they do not have criminal antecedent, this Court is inclined to extend them the privilege of anticipatory bail subject to showing of the receipt of deposition of Rs.200/- to the Patna High Court Legal Services Committee.

7. Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Mohania P.S. Case No. 344 of 2024 to the satisfaction of learned Special Judge POCSO Act cum A.D.J.-VI, Kaimur at Bhabua subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners 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 their bail bond by the Trial Court itself;

(iii) the petitioners shall co-operate in the investigation and make themselves available to the police as and when required;

(iv) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(v) the petitioners 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 the bail bonds;

(vi) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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