

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.69204 of 2024**

Arising Out of PS. Case No.-83 Year-2024 Thana- MOHANPUR District- Gaya

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Aashish Yadav @ Ashish Kumar Son of Tilak Yadav village- Itahari  
Mohanpur PS -Mohanpur District- Gaya ... .. Petitioner/s  
Versus

1. The State of Bihar
2. Munni Devi Wife of Ravindra Paswan R/o village- Itahari Mohanpur PS  
-Mohanpur District- Gaya  
... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Ms.Puja, Advocate  
For the Opposite Party/s : Mr.Binay Krishna, Spl.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      17-04-2025                      Heard Ms.Puja, learned counsel for the petitioner,  
and Mr.Binay Krishna, learned Spl.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Mohanpur P.S. Case No.83 of 2024, dated 15.05.2024, registered for the offences punishable under Sections 341,323,354(B),504,506 and 34 of IPC, Sections 8/12 of POCSO Act and Sections 3 (i)(r)(s)w (1)/3 (2) (v-a) of SC/ST (POA) Act.

3. The prosecution case, in short, is that the informant and her family are abused by the name of caste on her house by the petitioner alongwith other co-accused persons and five unknown persons.

4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely



been implicated in the present case. The allegation as alleged in the FIR is false and fabricated. From a bare perusal of the FIR it appears that the FIR is in two parts. In first part, there is specific allegation against other accused persons that they have assaulted to the daughter of the informant and in second part there is specific allegation against the petitioner and other co-accused persons that they have abused the informant and from a bare perusal of the FIR it appears that the place of abusing in the house of the petitioner so they have abused the informant not in public place, no case is made out under the SC/ST Act.

5. Learned Spl. P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts, petitioner has clean antecedent, there is no specific allegation against the petitioner and abuse process is not in public view, 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 Exclusive Special Judge POCSO-cum-Additional Sessions Judge-VII, Gaya in connection with Mohanpur P.S. Case No.83 of 2024, subject to



the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of BNSS, 2023 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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