

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86714 of 2024

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

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Akash Upadhyay, Son of Hari Upadhyay @ Hari Upadhyay, Resident of
village - Dharhara Mela, P.S.- Kateya, Dist.- Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nebulal Ram Son of Chanan Ram, Resident of village - Dharhara Mela, P.S.
- Kateya, Dist. - Gopalganj

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Sri Yogesh Chandra Verma, Sr. Advocate Ms. Kumari Anupam, Advocate
For the Opposite Party/s	:	Ms. Usha Kumari No. 1, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 19-03-2025 1. Heard Sri Yogesh Chandra Verma, learned Senior

Counsel for the petitioner, Ms. Usha Kumari No. 1, learned

Spl.P.P. for the State and learned counsel appearing on behalf of

the informant.

2. The petitioner apprehends his arrest in a case

registered for the offences punishable under Sections 341, 323,

354, 504 and 506/34 of the Indian Penal Code, Sections 3(i)(w)

and 3(2)(va) of the SC/ST Act as well as Sections 8 and 12 of

the POCSO Act.

3. Learned Senior Counsel for the petitioner submits

that petitioner is a young boy aged about 19 years and is a

person with clean antecedent. The informant alleges that

petitioner along with Ankush Upadhyay acted inappropriately



with his minor daughter along with 5-6 named accused persons. The victim called the informant informing him about the indecent act being performed by the petitioner, Ankush and the unknown accused persons based on which he reached the place of occurrence when he was surrounded by the accused persons, assaulted and abused but was saved with the help of passerby and when the informant went to the house of the petitioner to complain about his conduct, his father also abused him in filthy language.

4. Learned Senior Counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is further submitted that from bare perusal of the allegation as alleged in the FIR, it would manifest that the same does not inspire confidence. It is next submitted that though the informant alleges that victim called the informant and informed him about the occurrence and thereafter he reached the place of occurrence but then it is submitted that it absolutely does not stand to reason that if 7-8 accused persons were acting inappropriately with the victim, how the victim could have called her father. It is also submitted that though it is alleged that the informant was abused but then it is submitted that the FIR does not disclose the name of any person who had



witnessed the occurrence, though a general and a bald allegation has been alleged that a passerby saved him. It is submitted that the date of occurrence is 23.12.2024 and the FIR came to be instituted on 27.12.2024 i.e. after a delay of four days. It is thus submitted that the FIR was instituted by way of afterthought. It is further submitted that petitioner will not abscond rather will cooperate in the investigation to prove his innocence. It is next submitted that petitioner is a young boy aged about 19 years and if he is sent to judicial custody in the nature of allegation as alleged in the FIR it will jeopardize his entire career and chances are bright that he may come in contact with the hardened criminals.

5. Learned Spl.P.P. for the State and learned counsel appearing on behalf on behalf of the informant opposed the prayer for anticipatory bail of the petitioner but then are not in a position to rebut the submissions of the learned Senior Counsel appearing on behalf of the petitioner that FIR was instituted after a delay of four days of the occurrence and the FIR does not even remotely suggest that the occurrence was witnessed by any person.

6. Considering the submissions made by the learned Senior Counsel for the petitioner, let the petitioner above-



named, in the event of his 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.10,000/- (Rupees Ten Thousand) 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 Kateya P.S. Case No. 544 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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