
(2021) 01 JH CK 0086
In the Jharkhand High Court
Case No : A.B.A. No. 6370 Of 2020

Sachin Kumar Yadav @ Sachin Yadav	APPELLANT
Vs	
State Of Jharkhand	RESPONDENT

Date of Decision : 08-01-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 164, 438, 438(2)
Indian Penal Code, 1860 — Section 147, 148, 149, 323, 325, 337, 341, 354, 504, 506

Citation : (2021) 01 JH CK 0086

Hon'ble Judges : Aparesh Kumar Singh, J

Bench : Single Bench

Advocate : Rohit Ranjan Sinha, Someshwar Roy

Final Decision : Allowed

Judgement

Heard learned counsel for the petitioner and learned A.P.P for the State.

Petitioner seeks anticipatory bail in terms of Section 438 of Cr.P.C in connection with Putki P.S. Case No. 76 of 2020 (Spl. POCSO Case No.

47/2020) instituted under Sections 147, 148, 149, 341, 323, 325, 504, 506, 337, 307, 354 of I.P.C, pending in the court of Additional District Judge-IX-cum-Special Judge- POCSO, Dhanbad.

Learned counsel for the petitioner submits that the allegations of teasing of girls and women while attending natural call and assault by eight named

and 10 to 12 other boys upon the informant, Suraj Kumar Pasi has been made in the Fardbeyan. The informant's sister however in her statement

under Section 164 of Cr.P.C has not named anyone in particular. Allegations of beating by lathi which led to fracture of informant's right leg is upon

accused, Kamo Yadav, who has been granted anticipatory bail by a Coordinate Bench of this Court along with other co-accused, Ravi Yadav @ Ravi

Kumar Yadav in A.B.A No. 5726 of 2020, order dated 10th November, 2020. Therefore, petitioner may also be granted anticipatory bail.

Learned A.P.P. has strongly opposed the prayer. He submits that sister of the informant is a minor and allegation under POCSO Act have also been made against the accused persons.

I have considered the submission of learned counsel for the parties and taken note of the facts and circumstances above. Having regard to the fact

that the other co- accused, Kamo Yadav and Ravi Yadav @ Ravi Kumar Yadav have been granted anticipatory bail by a Coordinate Bench of this

Court upon condition of payment of Rs. 20,000/- as ad interim victim compensation to the informant without prejudice to their defence and their

undertaking to cooperate with the investigation of the case and further not to disturb the informant or his sister in the manner during pendency of the

case, I am inclined to grant the privilege of anticipatory bail to this petitioner. Accordingly, petitioner above named, in the event of his surrender or

arrest within a period of 4 weeks, shall be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like

amount each to the satisfaction of Additional District Judge-IX-cum-Special Judge-POCSO, Dhanbad in connection with Putki P. S. Case No.

76/2020 (Spl. POCSO Case No. 47/2020 with the condition of deposit of demand draft of Rs. 15,000/- as ad interim victim compensation in favour of

the informant within the same period and subject to the condition as laid down under Section 438(2) of Cr.P.C. Petitioner shall cooperate in the

investigation. Petitioner and his bailors shall not change their address or mobile number without permission of the trial court. Upon deposit of the ad

interim victim compensation, learned trial court would issue notice to the informant and hand over the said demand draft to him upon proper

identification.