

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37686 of 2018

Arising Out of PS. Case No.-337 Year-2017 Thana- KHIJARSARAI District- Gaya

-
1. Ramuchit Kumar @ Karu, S/o Late Jitendra Yadav,
 2. Parmila Devi @ Parvila Devi W/o Bipin Kumar,
 3. Kunti Devi W/o Abhiram Kumar @ Chhotu,
 4. Gita Devi @ Gita Kumari W/o Ramuchit Kumar @ Karu, All are
R/o Vill.- Balchandbigha, P.S.- Khijarsarai, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kunwar Narayan Jamuar
For the Opposite Party/s : Mr. J.N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-07-2018 Heard learned counsels for the parties.

The petitioners are apprehending arrest in a case registered for the offences punishable under sections 341,323 and 354/34 of the IPC and Sections 4 and 8 of Prevention of Children from Sexual Offences Act.

The prosecution case as per the written report of Ashok Kumar Singh dated 23.11.2017 is to the effect that on 18.11.2017 at 7.00 O'clock when the daughter of the informant, namely, Saloni Kumari went out to ease, then co-accused Abhiram Kumar alias Chhotu misbehaved with her and tried to outrage her modesty. On hearing alarm, when the wife of Manoj Kumar went to the place of occurrence then co-accused



Abhiram escaped from the scene. Subsequently, the victim came home and informed about the incident to the family members. When the informant and his family members went to explain the accusation, the co-accused Abhiram and his other family members including the petitioners chased the informant.

It is submitted by learned counsel for the petitioners that the thrust of accusation is against co-accused Abhiram Kumar alias Chhotu. The petitioners are the brother and brothers' wife of co-accused Abhiram, hence they have been roped as an accused in the present case. It is further submitted that for the occurrence of 18.11.2017, the written report was submitted on 23.11.2017 but it reached to the court of learned Special Judge on 29.11.2017, which suggests that the whole exercise is antedated. It is also submitted that even assuming the accusation to be true, no offence either under Section 354 of the IPC or Sections 4 and 8 of Prevention of Children from Sexual Offences Act is made out against the petitioners. Statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the petitioners are named in the FIR with accusation that they tried to assault the informant.

Considering the fact that even assuming the



accusation to be true, prima facie, no offence either under Section 354 of the IPC or Sections 4 and 8 of Prevention of Children from Sexual Offences Act is made out against the petitioners coupled with the statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the petitioners above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge (POCSO) Act), Gaya in connection with Khizersarai P.S. Case No. 337 of 2017 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

anil/-

U			
---	--	--	--

