

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55865 of 2018

Arising Out of PS. Case No.-325 Year-2018 Thana- HAJIPUR SADAR District- Vaishali

Sumit Kumar, S/o Amarnath Sah @ Amar Nath Mahto, Resident of Village-
Dighi Kala East, P.S.- Sadar Hajipur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 10-12-2018 Heard the learned counsel for the petitioner and

the State.

The petitioner seeks bail in anticipation of his arrest in connection with Hajipur Sadar P.S. Case No. 325 of 2018 dated 24.05.2018 instituted for the offences under Sections 341, 354 and 354(D) of the Indian Penal Code and Section 8 of the POCSO Act, 2012.

The mother of the victim girl has alleged that while the victim, a 13 years old girl, was traveling in a Tempo, two persons tried to drag her down. On seeing the people of the locality approach, both of them fled away. However, one of the persons, namely, Amit Kumar, who is the brother of



the petitioner was arrested by people. He disclosed that the other person, accompanying him, was the petitioner, his brother.

Learned counsel for the petitioner has submitted that taking the entire allegation on its face value to be ex-facie correct, none of the offences either under the I.P.C. or under the POCSO Act, 2012 can at all be said to have been made out.

He further submits that the court below while rejecting the prayer for anticipatory bail has taken reference of paragraph nos. 32, 33 and 34, which indicate that the petitioner also was part of the occurrence. The aforesaid paragraphs contain statements of local / independent persons, who have stated that they only saw that the mother of the victim was indulging in a verbal spat with the brother of the petitioner. Those persons have also made it very clear that the petitioner and his brother own a fruit shop and there appears to be some reason to believe that the dispute lay somewhere-else and only because the informant could not succeed in convincing the petitioner and his brother, this



false case has been instituted.

Taking into account the nature of the accusation and the background facts, as also that the petitioner has not been made accused in any other case before, the petitioner above-named is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-I, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 325 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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