

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.58004 of 2018**

Arising Out of PS. Case No.-31 Year-2018 Thana- MUFFASIL District- West Champaran

Mojare Alam @ Majare Alam

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Rajendra Prasad Nat

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      20-09-2018

Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 341,323,379 and 504/34 of the IPC and under Section 8 of Prevention of Children from sexual offences Act.

The prosecution case got initiated with the written report of Babli Kumari submitted to the S.H.O., Banuchappar O.P., to the effect that on 03.01.2018 at 9.30 A.M. in the morning the informant was coming from coaching class, when four persons including the petitioner came on motorcycle and obstructed the way of the informant. It is alleged that co-accused Shamsheer Alam and the petitioner caught of the hand of the informant. On alarm being raised, the accused persons escaped from the scene.

It is submitted by learned counsel for the petitioner that in



the background of dispute with regard to non-payment of charge of bicycle repair, the accusation has been levelled. It is further submitted that for the occurrence of 03.01.2018 the FIR was registered on 22.01.2018 and it reached to the Court of ADJ on 24.01.2018, hence the delayed lodging of the written report and delayed reaching of the FIR to the Court clouds the bonafide of the prosecution case. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the petitioner is named in the FIR with the specific accusation.

Considering the delayed lodging of the FIR and the delayed reaching of the FIR to the Court coupled with the fact that even assuming the accusation against the petitioner the offence under Section 8 of the Prevention of Children from Sexual Offences Act, prima facie, is not made out, let the petitioner 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) with two sureties of the like amount each to the satisfaction of the learned 1<sup>st</sup> Additional District and Sessions Judge-cum Special Judge, Bettiah, West Champaran, in connection with Bettiah Muffasil



(Banuchhapar) P.S. Case No. 31 of 2018 subject to the  
conditions laid down in Section 438(2) of the Cr.P.C.

**(Dinesh Kumar Singh, J)**

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