

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.15479 of 2018**

Arising Out of PS. Case No.-463 Year-2017 Thana- NARPATGANJ District- Araria

Vishor Sah @ Bishor Kumar Sah S/o Laxmi Sah, R/o Village- Narpatganj  
(Madhura), Ward No. 14, P.S.- Narpatganj, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ranjeet Choubey

For the Opposite Party/s : Mr. Smt Sangeeta Sharma

**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**  
**ORAL ORDER**

3      01-05-2018              Heard learned counsel for the petitioner and learned APP  
for the State.

Petitioner apprehends his arrest in Narpatganj P.S. case  
no. 463 of 2017 instituted for the offence under Section(s) 377,  
506 of the Indian Penal Code and Sections 3, 4 and 8 of the  
POCSO Act.

In the written report it is alleged that informant was  
working in the shop of this petitioner. The petitioner committed  
unnatural sex with him four days ago and gave threat not to  
disclose the matter otherwise he will be terminated from his job.  
It is further alleged that in the night of 11.12.2017 after  
closing the shop petitioner again committed unnatural sex with  
informant. The statement of the victim was recorded under  
Section 164 Cr. P.C. which has been annexed as Annexure-3



wherein the victim has stated that this petitioner has tried to commit unnatural act with him.

Case diary has been received. Medical report of the informant is available in the case diary wherein the doctor has found no any injury or sign of unnatural sexual act on the informant.

Learned counsel for the petitioner submits that reason for false implication is dispute with regard to payment of due amount to the informant by the petitioner. It is further submitted that a compromise petition has also been filed in the Court below.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with Narpatganj P.S. case no. 463 of 2017, corresponding to Spl. (POCSO) case no. 42/2017, he shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special (POCSO)-cum-1st Additional Sessions Judge, Araria, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions:(1) bailors should be local having sufficient



immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

**(Sanjay Priya, J)**

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