

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2524 of 2019

Arising Out of PS. Case No.-441 Year-2018 Thana- DUMRAO District- Buxar

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Nagendra Verma son of late Dayaram Seth R/o Naya Bhojpur, P.S.- Dumraon,
District- Buxar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Ms. Mayuri, Advocate
Mr.Sanjay Kumar Chaubey, Advocate
For the Opposite Party/s : Mr.Ashok Kumar APP-220

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 21-01-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks pre-arrest bail in connection
with Dumraon P. S. Case No.441 of 2018 registered under
Sections 341, 323, 307 and 354 of the Indian Penal Code and
Section 12 of the Protection of Children from Sexual Offences
Act, 2012.

Learned counsel for the petitioner submitted that
there is no allegation in the FIR that the petitioner committed
sexual harassment upon a child with sexual intent. Hence,
ingredients of the offence punishable under Sections 12 of the



Protection of Children from Sexual Offences Act, 2012 are not attracted. Similarly, there is no allegation in the FIR that the petitioner used criminal force to the alleged victim or the informant with intent to outrage modesty. Thus, even the ingredients of Section 354 of the Indian Penal Code are not attracted. She further contended that though there is allegation that the petitioner assaulted with a pointed weapon (barchhi) in the abdomen of her daughter, the injury report would reveal that no sharp cut injury caused by any pointed weapon was found on the person of the victim. The doctor opined that the victim had sustained simple injury caused by hard and blunt object. In that view of the matter, even the offence punishable under Section 307 of the Indian Penal Code would not be made out. She further contended that all other offences are bailable in nature.

Considering the submissions made above as also that the petitioner happens to be the uncle of the alleged victim and there is ongoing dispute between the parties, in the event of arrest or surrender before the court below, he is directed to 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 learned ADJ-1-cum-



Special Judge (SC/ST & POCSO Act), Buxar in Dumraon P.
S. Case No.441 of 2018, subject to the conditions as laid down
under Section 438 (2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

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