

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11346 of 2019**

Arising Out of PS. Case No.-670 Year-2017 Thana- BHABHUA District- Kaimur (Bhabua) *

Nitish Pandey @ Chhotu, aged about 20 years, Male, Son of Rakesh Pandey,
Resident of Village - Bhabua Ward No.11, P.S.- Bhabua, Distt.- Kaimur at
Bhabua.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Bansh Dubey

For the Opposite Party/s : Mr.Mohammad Sufyan

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 26-02-2019 Heard learned counsel for the petitioner and learned
APP representing the State.

Petitioner is seeking anticipatory bail in connection
with Bhabua P.S. Case No. 670 of 2017 registered for the
offences punishable under Sections 341, 354B, 506/34 of the
Indian Penal Code and Section 12 of POCSO Act.

Learned counsel for the petitioner submits that the
petitioner and the daughter of the informant are students who
were studying in a coaching centre. While returning from the
coaching, the petitioner had a quarrel with some other students,
the daughter of the informant was standing there which was
objected to by this petitioner and she was asked to go away. It is
submitted that in the meantime, the informant reached there and



under some misconception he lodged the F.I.R. Attention of this Court has been drawn towards Annexure '2' of the present application which is an Affidavit said to have been sworn by the informant. In his affidavit the informant has stated that his daughter had not made any complaint about the petitioner and under some misconception he had lodged the F.I.R.

Learned APP for the State is present and submits that in the given facts and circumstance, if this Court is willing to extend the benefit of anticipatory bail to the petitioner, the petitioner should undertake that he would not involve in any similar kind of offence in future.

Considering the facts and circumstances of the case, particularly, that the informant has also sworn an Affidavit that under some misconception he has lodged the F.I.R and that the petitioner has no criminal antecedent, this Court is willing to extend the benefit of anticipatory bail to the petitioner subject to the condition that he will not indulge himself in any similar kind of offence in future. Let in case of arrest or surrender of the petitioner within a period of four weeks from today, the abovenamed petitioner is directed to be enlarged on bail on furnishing bail bond of Rs.15,000/- (rupees fifteen thousand) with two sureties of the like amount each to the satisfaction of



the learned Additional Sessions Judge 1st-cum-Special Judge,
POCSO Act, Kaimur at Bhabua in connection with Bhabua P.S.
Case No.670 of 2017, subject to the condition that petitioner
shall join the investigation by reporting to the Investigating
Officer within a period of two weeks from today and shall
cooperate in course of investigation. This will be in addition to
condition prescribed under Section 438(2) of the Cr.P.C.

(Rajeev Ranjan Prasad, J)

R.R.Ojha/-

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