

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.13918 of 2019**

Arising Out of PS. Case No.-797 Year-2018 Thana- KHAGARIA District- Khagaria

SHEKHAR KUMAR SINGH, aged about 23 years (Male), Son of Bhutkun Singh @ Arun Kumar Singh @ Arun Prasad Singh Resident of Village - Rakodih, P.S.-Muffasil, Distt.- Khagaria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Viveka Nandsingh  
For the Opposite Party/s : Mr.Binod Kumar

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

2      08-03-2019                      Heard learned counsel for the petitioner. No one appears on behalf of the State.

The petitioner is seeking anticipatory bail in connection with Khagaria (Muffasil) P.S. Case No. 797/2018 registered under Sections 341, 342 & 354 of the Indian Penal Code and Section 18 of the POCSO Act.

Learned counsel for the petitioner submits that on a bare reading of the first information report, it would appear that according to the informant, the alleged occurrence had taken place on 10.11.2018, when the victim girl was easing out on the road side. It is alleged that this petitioner had pressed her mouth and was taking her away but the victim girl cut the hand of the petitioner and shouted, thereupon the informant and one Sitara Khatoon reached there, thereupon the petitioner left the



girl and fled away.

Learned counsel has drawn attention of this court towards the fact that the alleged occurrence is said to have taken place on 10.11.2018, but the information in this regard was received in the police station on 12.11.2018. It is further submitted that in course of investigation it has been found that when the petitioner was coming out of his house the child was easing on the road and the petitioner protested against that. The petitioner is said to have told her to go for easing out somewhere else but she did not stand, thereafter the petitioner caught hold of her and told her for easing near another place. Statements in this regard has been made in paragraph-9 of the application referring to paragraph-12 & 13 of the case diary. It is further submitted that a compromise has also been filed vide Annexure-2 to the present application.

Considering the facts and circumstances of the case wherein the submission is that the petitioner has not committed any overt act and it is not the allegation that he has otherwise interfered with the body of the victim girl and in course of investigation it has come that because the victim girl was easing on the road side which was protested by the petitioner as also petitioner has no criminal antecedent, in the event of his



arrest/surrender before the court below within a period of four weeks, let the above-named petitioner be enlarged on bail furnishing bail bond of Rs. 15,000/- (Rupees Fifteen Thousand only) with two sureties of the like amount each to the satisfaction of learned 1<sup>st</sup> Additional Sessions Judge-cum-Special Judge, Khagaria, in connection with Khagaria (Muffasil) P.S. Case No. 797/2018, subject to condition that petitioner shall join 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 Code of Criminal Procedure.

**(Rajeev Ranjan Prasad, J)**

*Rajeev/-*

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