

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14942 of 2019**

Arising Out of PS. Case No.-230 Year-2018 Thana- AMAS District- Gaya

Chantu Kumar @ Chintu Kumar, son of Sudeshi Yadav, Resident of Village-
Karmain, P.S.- Amas, Dist- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. S. Jamil Akhtar

For the Opposite Party/s : Mr. Anil Kumar Singh No.1, APP.

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

2 12-03-2019 Heard learned counsels for the petitioner and the
State.

The petitioner is apprehending arrest in a case initially registered for the offences punishable under Sections 341, 302, 323, 447, 504, 506, 354A, 354B and 354D of the IPC. Later on, after one month of the registration of the F.I.R., Section 8 of the Protection of Children from Sexual Offences Act was added.

The prosecution case, as per the written report of Puja Kumari, dated 05.10.2018 submitted to the Station House Officer, Amas Police Station, is to the effect that on 30.09.2018 the informant was coming from Sherghati market, but on the way, near Middle School, Karmain, the petitioner caught hold of her hand and tried to take her towards back side of the school, but the informant somehow got herself released and reached to



her sister's matrimonial house, but there also, the petitioner came following her and assaulted and threatened her.

It is submitted by learned counsel for the petitioner that for the initial occurrence of 30.09.2018, the F.I.R. has been lodged on 05.10.2018 and Section 8 of the Protection of Children from Sexual Offences Act was added after one month of the registration of F.I.R., *i.e.*, on 05.11.2019. It is further submitted that even assuming the accusation to be true, at best the offence only under Section 354B IPC is made out against the petitioner. The informant has subsequently retracted from her initial version and filed a petition to that effect before the learned Court below. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that accusation against the petitioner is specific.

Considering the delayed lodging of the case, the prosecution case not being supported by any medical evidence, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below



within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge, POCSO, Court, Gaya in connection with Amas P.S.Case No. 230 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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