

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75572 of 2018

Arising Out of PS. Case No.-29 Year-2018 Thana- ATRI District- Gaya

Arvind @ Masudan Kumar @ Ravindra Kumar S/o Arjun Yadav Resident of
Village-Hiraman Bigha,P.S. Nadriganj,Distt.-Nawada at presently residing at
Madbiga, P.O. Sheohar,P.S. Atri,Distt.-Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dharmendra Kumar Sinha

For the Opposite Party/s : Mr. Ram Naresh Ray

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-01-2019 Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 354,448,323,504,506,147 and 149 of the IPC and Sections 8, 10 and 12 of POCSO Act.

The prosecution case as per the written report of Pramod Kumar submitted to the SHO, Atari Police Station is to the effect that on 27.1.2018 when the sister of the informant was going to take tuition, in the meantime, co-accused Mali Kumari took her to her house and under conspiracy, six accused persons including the petitioner tried to outrage the modesty of the informant's sister. When the informant's sister came and explained the things to the informant, the informant conveyed



the said information to his father. After some days of occurrence, the accused persons abused the informant.

It is submitted by learned counsel for the petitioner that in the background of litigated relationship between the parties, the accusation has been levelled. Moreover, even assuming the accusation to be true, the offence either of the sexual assault or aggravated sexual assault or sexual harassment is not made out. It is further submitted that similarly situated co-accused have been granted anticipatory bail by a Bench of this Court vide Cr. Misc. No. 49793 of 2018 and the FIR has been lodged after a delay of ten days.

Learned APP submits that the accusation is omnibus and general against all the accused persons.

Considering the delayed lodging of the case, the accusation being omnibus and general in nature, coupled with the fact that similarly situated co-accused have been granted anticipatory bail by a Bench of this Court, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ADJ I, Gaya in connection with POCSO Case No. 16 of 2018 arising out of Atri



P.S. Case No. 29 of 2018 subject to the conditions laid down in
Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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