

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46260 of 2019

Arising Out of PS. Case No.-204 Year-2019 Thana- MUFFASIL District- West Champaran

Amresh Kumar @ Amresh Ram @ Amsher Kumar @ Amerash Ram, Son of
Kailash Ram, Resident of Village - Karnameya, P.S.- Bettiah Muffasil,
District- West Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar No 7, Adv.

For the Opposite Party/s: Mr.Amitesh Kumar, APP

For the Informant : Mr. Bimlesh Kumar Pandey, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 26-09-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in this case is seeking anticipatory bail in connection with Bettiah Muffasil P.S. Case No.204 of 2019 registered for the offences punishable under Sections 448, 342, 354(A), 354(B) and 354(D) of the Indian Penal Code and Section 8 of the POCSO Act.

Learned counsel for the petitioner submits that save and except Section 354B all other Sections of I.P.C. under which the FIR has been lodged are bailable. The case has also been lodged under Section 8 of the POCSO Act.

Learned counsel for the petitioner submits that a bare perusal of the FIR it would appear that although the alleged occurrence is said to have taken place on 30.03.2019 but the



complaint was made on 10.04.2019 which was registered on 11.04.2019. It is further submitted that both petitioner as well as the informant are close door neighbours and the allegations are that the petitioner had gone to ask for the shoes of her brother and while she was picking the shoes from the rack the petitioner came there and caught hold of her from behind on which the informant soughted and thereupon people assembled. It is submitted that there is no allegation of commission of any overt act save and except that the petitioner is said to have allegedly caught the informant from behind.

Learned APP for the State has submitted that in course of investigation some of the witnesses have stated that they came on the place of alleged occurrence only at a later stage when they found both were quarrelling with each other and there had been altercation.

Considering the facts and circumstances of the case wherein as per the materials collected in course of investigation neighbours have seen the petitioner and informant only quarrelling and there is no allegation of commission of any overt act as also there is a huge delay without there being any explanation for lodging the complaint, the fact that both are neighbours, let the petitioner above named in the event of his



arrest or surrender within a period of four weeks from today, be enlarged on bail on furnishing of bail bonds of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional District and Sessions Judge-cum-Special Judge, West Champaran at Bettiah in connection with Bettiah Muffasil P.S. Case No.204 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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