

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48203 of 2019

Arising Out of PS. Case No.-21 Year-2019 Thana- DEOKUND District- Aurangabad

ASHOK KUMAR @ ASHOK SAW Son of Ishwar Prasad Gupta @ Ishwar
Saw Resident of Village- Hathiyara, P.S.- Deokund, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prithivi Raj Singh

For the Opposite Party/s : Mr.Kumar Veerendra Narayan

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

24 02-08-2019 Heard learned Counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending arrest in a case registered
for the offences punishable under Sections 341, 323, 354 and
506/34 of the Indian Penal Code and Section 8 of the POCSO
Act.

The prosecution case got initiated on the basis of written
report of Sakina Khatoon submitted before the Station House
Officer, Deokund Police Station is to the effect co-accused,
Arun Kumar attempted to outrage the modesty of the daughter
of the informant. On protest being made by the son of the
informant, co-accused, Arun Kumar assaulted him with *lathi*
and danda. On alarm being raised, when the informant came,
she was assaulted by this petitioner by fists and slaps.



It is submitted by learned counsel for the petitioners that whatever the accusation being levelled under the POCSO Act it is levelled against co-accused Arun Kumar, hence, the thrust of accusation is against him while only accusation of assault by fists and slaps is against the petitioner. There is no injury report on record. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State that the petitioner is named in the FIR.

Considering the accusation under the POCSO Act being not levelled against the petitioner, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge (POCSO)-cum-Additional District and Sessions Judge-1, Aurangabad, in connection with Deokund P.S. Case No.21 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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