

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70787 of 2018

Arising Out of PS. Case No.-142 Year-2018 Thana- ROSHANGANJ District- Gaya

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Dharmendra Kumar, Son of Kedar Prasad, R/o Village- Ajamgarh, P.S.-
Raushanganj, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Adv. Mr. Ashok Kumar Jha, Adv.
For the Opposite Party/s :		Mr. J.N. Thakur, APP.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-01-2019 Heard learned counsels for the petitioner and the

State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 379, 341, 323, 354B, 504 and 506 of the IPC and Sections 8/12 of the Protection of Children from Sexual Offences Act (hereinafter referred to as ‘the Act’).

The prosecution case, as per the written report of Haseena Khatoon, dated 22.09.2018, submitted to the Station House Officer, Raushanganj Police Station, is to the effect that on 18.09.2018 at 8 AM, when the informant went to ease out, the petitioner snatched her mobile. On 19.09.2018 at 8 AM the petitioner called the informant through mobile and asked her to



take back her mobile and when the informant went in the field then this petitioner abused her and also tore her clothes and threatened not to disclose the incident to anyone.

It is submitted by learned counsel for the petitioner that in fact the informant is major, hence offences under the Act is not made out against the petitioner. Moreover, even assuming the accusation to be true, offence under Section 7 of the Act is not made out against the petitioner. It is further submitted that the informant has 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 there is specific accusation against the petitioner.

Considering the delayed lodging of the case, nature of accusation and retracted version of the informant, coupled with the statement made in paragraph no.3 of the petition that the petitioners are 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 1st Additional Sessions Judge-cum-Special Judge, POCSO, Act, Gaya in connection with Raushanganj P.S. Case No. 142 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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