

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58258 of 2019

Arising Out of PS. Case No.-16 Year-2018 Thana- ARIYARI District- Sheikhpura

NIRAJ KUMAR, aged about 20 years, Male, Son of Arbind Prasad, Resident of Village - Baikatpur, P.S.- Ariyari, dist.- Sheikhpura

... Petitioner

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioner : M/s Ajay Kumar Thakur, Nilesh Kumar & Swati Sinha, Advs.

For the Opposite Party : Mr. Ansar Ul Haque, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 16-09-2019 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the state.

The petitioner seeks pre-arrest bail in connection with POCSO Case No. 5 of 2018 arising out of Ariyari P.S. Case No. 16 of 2018 for the offences alleged under Sections 341, 323, 504, 307, 325, 506, 376 and 511 of the Indian Penal Code and 8 of the Protection of Children from Sexual Offences Act, 2012.

The accusation is that petitioner entered in the house of the informant and made attempt to commit rape. On raising alarm by the informant her parents woke up and came to rescue of the informant and caught hold the petitioner, Niraj Kumar.

The submission of the learned counsel for the petitioner is that the petitioner is an electrician and was called by the family of the informant, but, due to some dispute arose between them the petitioner was assaulted and with ulterior motive the present case was lodged with false allegation. The petitioner has also lodged Ariyari P.S. Case No. 17 of 2018



against the family members of the informant. More over, after investigation, the police submitted charge sheet under Sections 147, 149, 341, 504, 34 and 323 of the Indian Penal Code, but, differing with the final form, the learned trial Court has taken cognizance under Section 354 of the Indian Penal Code.

Learned Additional Public Prosecutor for the State opposes the prayer for pre-arrest bail.

Having regard to the facts and circumstances of the case, let the petitioner, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with POCSO Case No. 5 of 2018 arising out of Ariyari P.S. Case No. 16 of 2018 shall be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the Additional District & Sessions Judge, I, Sheikhpura, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

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