

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73590 of 2019

Arising Out of PS. Case No.-210 Year-2019 Thana- BAIKUNTHPUR District- Gopalganj

RAHUL KUMAR @ RAHUL KUMAR SINGH Son of Uday Kumar Singh
@ Udai Singh R/o Village- Bijulpur Lala Patti, P.S.-Baikunthpur, District-
Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yogendra Prasad Sinha

For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 21-11-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 341, 323, 504/34 of the Indian Penal Code and Section 8/12 of POCSO Act.

The prosecution case is that the informant Soni Kumar aged about 14 years, launched prosecution, presenting written report, stating therein that while she was returning home after leave of school on 09.08.2019 at 4PM accused Rahul Kumar (petitioner) was chasing her. While she reached in front of Middle School, Sirsa and crossing through the ground of school, in a lonely place, they by stopping their bike began



taunting her in filthy languages. When she made protest, then both caught her hand and began pulling and assaulting her. On her pother, her school teachers came, then they fled away. When she came to home, narrated the happenings to her parent and when they went to asked from them, they assaulted them too.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. It is also submitted that all Sections of the Indian Penal Code are bailable and the allegation made in the F.I.R. comes under the purview of Section 354A I.P.C. which is bailable. He further submits that the petitioner is a student of I.A. whereas according to the F.I.R. the informant is student of class nine in the said school.

Considering the facts and circumstances of the case and the fact that there is allegation against the petitioner along with co-accused were chasing the informant who is minor girl while she was returning from school and on the way they intercepted her and caught her hand and began pulling and assaulting her, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, his payer for anticipatory bail is rejected in connection with Baikunthpur P.S. Case No. 210 of 2019 pending before the court of the learned 1st Additional Sessions Judge -Gopalganj.



Accordingly, the application is dismissed. However, petitioner is directed to surrender before the learned court below and pray for regular bail and the learned court below is also directed to consider the bail application of the petitioner on the same day.

(Anjani Kumar Sharan, J)

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