

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81115 of 2019**

Arising Out of PS. Case No.-396 Year-2019 Thana- RAJIVNAGAR District- Patna

Pratul @ Pratul Kushwaha, S/o Sri Tapeswar Prasad Sinha R/o village-
Bagmusha, P.S.- Hajipur (Town), District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pravin Kumar

For the Opposite Party/s : Mr.Shailendra Kumar

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 11-12-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 341, 323, 354A, 354B, 354D, 385, 379, 427, 504, 387, 506/34 of the Indian Penal Code and Sections 8, 10, 12 and 18 of the Protection of Children from Sexual Offences Act, 2012.

The prosecution case as per the written report of Shruti Singh submitted to Station House Officer of Rajivnagar Police Station is to the effect that on 09.08.2019 at 3.30 P.M. the informant was sitting at her maternal grandfather's house, in the meantime, co-accused Divesh Kushwaha came on the vehicle with 3-4 persons and started abusing her and outraging her modesty and tried to drag her. When the informant made protest,



he assaulted her leaving his mobile. It is further alleged that all the miscreants reached at the house of the uncle of the informant at Mausam Colony, damaged his vehicle and uprooted the gate. It is also alleged that two years ago, when the informant was studying in school, co-accused Divesh Kushwaha had molested her and he also used to demand extortion amount of Rs. Five lakhs, as a result, she gave Rs.10,000/- and he also used to give threatening to the informant. The petitioner is not named in the FIR, his name sprang up during investigation. During investigation in paragraph 41 of the case diary, it surfaced that the informant named the petitioner as one of the accomplice of the said co-accused Divesh Kushwaha which gets reflected from the impugned order.

It is submitted by learned counsel for the petitioner that as per the FIR specific accusation is made against the co-accused Divesh Kushwaha. The petitioner is not named in the FIR and from her statement recorded during investigation, it appears that the petitioner was known to the informant from before, hence, there was no occasion for her not to name the petitioner in the first information report. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.



Learned APP submits that the name of the petitioner sprang up during investigation by nonelse than the informant herself.

Considering the fact that the involvement of the petitioner subsequently sprang up during investigation in the statement of the informant and statement being made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, 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 twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I cum Special Judge, POCSO Act, Patna in connection with Rajivnagar P.S. Case No. 396 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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