

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.71525 of 2018

Arising Out of PS. Case No.-93 Year-2018 Thana- HARLAKHI District- Madhubani

Shambhu Ram Son of Ram Saran Ram Resident of Village- Sisauni, P.S.
Harlakhi, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratanakar Jha

For the Opposite Party/s : Mr.Sri Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 09-01-2019 Heard the learned counsel for the petitioner and
the State.

The petitioner seeks bail in anticipation of his arrest in connection with Harlakhi P.S. Case No. 93 of 2018 dated 12.05.2018 instituted for the offences under Section 354(B) of the Indian Penal Code and Section 4 of POCSO Act.

The prosecutrix is a 15 year old girl who has alleged that while she was going to attend the call of nature, the petitioner made attempts of outraging her modesty but she could anyhow extricate herself from his clutches and escaped.

Learned counsel appearing for the petitioner has submitted that the mother of the petitioner has also filed a case against the family members of the



prosecutrix alleging that the petitioner was severely assaulted for no fault of his and an attempt was made to disrobe her.

Learned counsel for the petitioner has drawn the attention of this Court to the fact that the petitioner was severely assaulted. He has also tried to impress this Court that from the averments made in the FIR in which the petitioner is seeking anticipatory bail and the case lodged by the mother of the petitioner, it would appear that there was some kind of relationship between the prosecutrix and the petitioner which was under the wraps and only when the matter got exposed, the respective sides lodged cases against each other. The petitioner is just about few days more than 18 years of age.

Considering the tender age of the petitioner, the fact that he has been assaulted by the side of the prosecutrix and that his mother also was misbehaved with, who has filed a case against the family members of the prosecutrix, this Court is of the view that no useful purpose would be served in sending the petitioner to jail.

Considering the aforesaid facts, the petitioner above named is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of



receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge of POCSO Act-cum-A.D.J.-1st, Madhubani in connection with Harlakhi P.S. Case No. 93 of 2018, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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