

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6078 of 2020

Arising Out of PS. Case No.-184 Year-2018 Thana- MANER District- Patna

1. ABHISHEK KUMAR Son of Suresh Singh Resident of Village - Hiranmanpur, P.S.- Bihta, Dist.- Patna.
2. Hari Om Kumar Son of Madan Singh Resident of Village - Hiranmanpur, P.S.- Bihta, Dist.- Patna.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Advocate

Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 08-07-2020 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioners in the present case are seeking anticipatory bail in connection with Special (POCSO) Case No. 74 of 2018 arising out of Maner P.S. Case No. 184 of 2018 registered for the offences punishable under Sections 341, 323, 354/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioner are innocent and have falsely been implicated in the present case. The petitioners are students and are pursuing their career and the parties have entered into compromise. It is further submitted that there is allegation of eve-teasing so the Section 12 of the POCSO Act is not attracted in this case. The petitioner have clean antecedent.

Learned APP for the State has opposed the prayer for



anticipatory bail of the petitioners.

Having regard to the facts and circumstances of the case wherein it appears from the materials on the record that the petitioners and the informant are residents of the neighbouring villages and the FIR was lodged alleging that these petitioners had been involved in eve-teasing of the niece of the informant which was objected to and then Section 12 of the POCSO Act would not be applicable in the facts of the present case and the fact that both the parties being neighbours in order to buy peace and live together entered into a compromise and it has been submitted that the offences as alleged under the provisions of the IPC are in fact compoundable offences, considering the nature of the allegations and the compromise between the parties as also that these petitioners are said to be students and are pursuing their career, let the petitioners above named in the event of their arrest or surrender within a period of four weeks from today in connection with Special (POCSO) Case No. 74 of 2018 arising out of Maner P.S. Case No. 184 of 2018 be released on bail on furnishing of bail bonds of Rs. 25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 1st cum Special Judge, POCSO, Patna subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;



(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

