

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8266 of 2020

Arising Out of PS. Case No.-376 Year-2019 Thana- BAKHTIYARPUR District- Patna

BITTU KUMAR Son of Nandlal Singh Resident of Village- Balwapar, P.S.-
Fatuha, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 19-06-2020 The petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and the learned APP for the State.

This is an application for grant of anticipatory bail in connection with Special POCSO Case No. 246 of 2019 arising out of Bakhtiyarpur P.S. Case No. 376 of 2019 registered for the offence punishable under Sections 354, 354(A), 354(B), 341 of the Indian Penal Code and Section 12 of the POCSO Act.

The case of the prosecution in brief is that on 7.12.2019 at about 7:00 PM., the niece of the informant, aged about 10 years, was standing outside her house and in the meantime, the accused-petitioner herein along with two to three persons came



there and started outraging her modesty, however, on hearing the cry of the niece of the informant, the informant came out, whereafter, the accused persons fled away. It is further alleged that the accused persons had again arrived at the house of the informant on 8.12.2019 and abused him as also had threatened him that they would kidnap his niece.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. It is further submitted that on account of land dispute and village politics, a false story has been cooked up by the informant. It is further submitted that the petitioner is ready and willing to abide by such conditions as may be deemed fit and proper to be imposed for the purposes of grant of anticipatory bail.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner, taking in account the materials available in the case diary, prima facie, the case, as set up by the informant, does not appear to be true as would be apparent from paragraph nos. 16 and 17 of the case diary, which contain the statements of the



independent witnesses, as such, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

Accordingly, the petitioner is directed to be enlarged on anticipatory 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 furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 1st, Patna in connection with Special POCSO Case No. 246 of 2019 arising out of Bakhtiyarpur P.S. Case No. 376 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

It is needless to state that the petitioner shall mark his attendance before the SHO of the concerned police station on each Monday of the week at 10:00 AM. for a period of two months from today and in the event of two consecutive defaults in doing so, the present privilege of anticipatory bail, being granted to the petitioner herein shall stand revoked automatically and the petitioner shall be taken into custody forthwith.

(Mohit Kumar Shah, J)

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