

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.10361 of 2020**

Arising Out of PS. Case No.-331 Year-2018 Thana- MAJHAULIA District- West Champaran

ANWAR ANSARI Son of Majgul Miya Resident of Village - Dudha Chaturi,  
Police Station - Majhauliya, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Sanjay Kumar No 7

For the Opposite Party/s : Mr. Nawal Kishore Prasad

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

2      17-06-2020                      Heard learned Counsel for the petitioner and learned  
Additional Public Prosecutor representing the State, through  
Video Conferencing.

This application, for grant of anticipatory bail, arises  
out of Majhauliya Police Station Case No. 331 of 2018,  
disclosing offences under Section 341 of the Indian Penal Code  
and Sections 8 and 12 of the Protection of Children from Sexual  
Offences Act, 2012.

The allegation against the petitioner, as per the First  
Information Report, is that at about 3 PM on 06.07.2018, when  
the informant was returning home, the petitioner stopped her on  
the way, caught her and tried to take her in the nearby sugarcane  
field and when the informant tried to stop him, the petitioner  
assaulted her, due to which she fell down on the ground.



Thereafter the informant raised alarm and on hearing her alarm, her schoolmate came there and the petitioner fled away. It has further been alleged that the petitioner used to tease her regularly and on 12.07.2018 also, when the informant went to mango orchard to bring mango, the petitioner arrived there and started assaulting the informant by catching her and then the informant narrated the whole story to her mother, which led to the institution of the present First Information Report.

Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case due to dispute between the parties relating to mango orchard. He further submits that the first incident has allegedly been taken place on 06.07.2018 and the second incident has taken place on 12.07.2018, but the First Information Report has been lodged, after a lapse of about 16 days, on 29.07.2018 with premeditated mind. He further submits that both the parties are co-villagers and the police, after completion of investigation, submitted charge sheet only under Sections 341/354 of the Indian Penal Code and not under the provisions of the Protection of Children from Sexual Offences Act, 2012. He further submits that offence under Section 341 of the Indian Penal Code is bailable and from



perusal of the materials on record, it appears that no offence under Section 354 of the Indian Penal Code is made out.

Having regard to the submissions made on behalf of the parties and taking into consideration the fact that both the parties are co-villagers and there is unexplained delay in lodging of the First Information Report, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, above named, in the event of his arrest or surrender before the Court below within six weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 1<sup>st</sup> Additional Sessions Judge -cum- Special Judge (SC/ST/POCSO), West Champaran, at Bettiah, in connection with Majhauriya Police Station Case No. 331 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

Prabhakar Anand/-

**(Anil Kumar Sinha, J.)**

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