

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.19875 of 2020**

Raj Kumar Chaudhary @ Raj Kumar son of Rajendra Kumar Chaudhary, r/o
Mohalla- Bahadurpur Chowk, Behind Durga Mandir, P.S.- Bahadurpur,
District- Patnapetitioner

Versus

THE STATE OF BIHAR Opposite Party

Appearance :

For the Petitioner/s : Ms. Samir Kumar Abhimanyu, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 24-07-2020 Learned counsel for the petitioner undertakes to remove all the defects within three weeks after start of normal functioning of the Court.

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

The petitioner in the present case is seeking pre-arrest bail in connection with Bahadurpur P.S. Case No. 67 of 2020 registered for the offences punishable under Sections 448, 354(B), 506 of the Indian Penal Code and Sections 8 and 12 of POCSO Act.

Learned counsel for the petitioner submits that on bare perusal of the First Information Report it would appear that on account of a dispute between the house owner and the tenant the present FIR has been lodged by the daughter of the tenant against the brother of the petitioner and also involving the petitioner by making a false and flimsy kind of vague allegation.

It is submitted that the thrust of the allegation is against



the brother of the petitioner and the petitioner has only been made accused in this case saying that he was threatening the informant that if she will say anything then there will be dire consequences of the same and she will be thrown out from the house. There is no allegation of indulging in eve-teasing against this petitioner. It is further submitted that the brother of the petitioner against whom there are allegations of eve-teasing has already surrendered and he is in jail. So far as this petitioner is concerned, he has got no criminal antecedent.

Learned APP for the State has though opposed the prayer for anticipatory bail of the petitioner, however considering the facts and circumstances of the case wherein from the FIR itself it appears that the thrust of the allegations are against the brother of the petitioner and there is no allegation against the petitioner of indulging in eve-teasing with the informant, let the petitioner above named in the event of his arrest or surrender within a period of six weeks from today in connection with Bahadurpur P.S. Case No. 67 of 2020 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned ADJ-I-Cum-Special Judge, POCSO Act, 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.

The application is 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'.

