

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27007 of 2020

Arising Out of PS. Case No.-81 Year-2020 Thana- MANSI District- Khagaria

Shailesh Kumar, Son of Gopal Yadav, Resident of Village- Matihani, P.S.-
Mansi, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Priyanka Singh, Advocate

For the Opposite Party/s : Mr. Bal Mukund Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 27-01-2021 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner is apprehending his arrest in connection with Mansi P.S. Case No.81 of 2020 registered for the offence punishable under Sections 341, 323, 354(A), 354(D)/34 of the Indian Penal Code and Section 12 of the POCSO Act.

At about 04:30 P.M. on 11.03.2020 when the informant's daughters Anupriya Kumari aged about 17 years and Supriya Kumari aged about 19 years were returning to their home, the petitioner along with his friends have allegedly passed lewd comments and on objection being raised, have also assaulted the two females, wherein one of them has sustained head injury.



Learned counsel for the petitioner submits that the allegation is of beating the two girls in front of a temple. The prosecution case itself appears to be false as a single person, if had committed such an occurrence in front of a temple, there would have been objection from other people. The falsity is apparent from the fact that the occurrence is of 11.03.2020, whereas the F.I.R. has been lodged on 15.03.2020. No injury has been found in the investigation to corroborate the allegations. The petitioner has no criminal antecedents.

Learned APP for the State has opposed the prayer for anticipatory bail.

Considering the rival submissions, this Court is inclined to allow petitioner's prayer for grant of anticipatory bail.

Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four 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 Additional Sessions Judge-1st-cum-Special Judge, POCSO Act, Khagaria, in connection with Mansi P.S. Case No.81 of 2020, subject to the conditions as laid down in Section 438(2) of the



Code of Criminal Procedure as also subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour her undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date she is called upon to do so by the office.

(Madhuresh Prasad, J)

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