

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.31177 of 2020**

Arising Out of PS. Case No.-160 Year-2020 Thana- KUDRA District- Kaimur (Bhabua)

1. SRIKANT RAJAK @ SONU Son of Late Shiv Muni Rajak Resident of Village- Fakarabad, P.S.- Kudra, District- Kaimur at Bhabua.
2. Sonu Goswami Son of Pappu Goshwami Resident of Village- Fakarabad, P.S.- Kudra, District- Kaimur at Bhabua.
3. Birendra Paswan Son of Suman Paswan Resident of Village- Fakarabad, P.S.- Kudra, District- Kaimur at Bhabua.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr. Rajani Kant Pandey, Advocate  
For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

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

2      08-02-2021                      Heard learned counsel for the petitioners and Mr. Ram Bilash Roy Raman, learned A.P.P. for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Kudra P.S. Case No. 160 of 2020 registered for the offences punishable under Sections 341/323/354/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that according to the First Information Report, these three petitioners were involved along with two others in the alleged offence. The allegation is that all of them had abused and assaulted the victim girl. It is alleged that the hand of the daughter of the informant was caught and her salwar was pulled but in the meantime people



assembled and on seeing the neighbours the accused persons fled away.

Learned counsel for the petitioners submits that the petitioners and the prosecution party are close-door neighbours and as per F.I.R. itself a dispute took place on drainage of water, the present case has been lodged making false allegations only in order to harass these petitioners. In the F.I.R. there is a general kind of allegation. Learned counsel submits that later on the victim girl made her statement under Section 164 Cr.P.C. in which she has taken the name of Abhishek and Deepak who had stopped near the victim girl and they had been pulling the victim girl catching hold of her hand. So far as these three petitioners are concerned, there is no allegation that they had caught the victim and only allegation made by the victim is that they were asking the other two boys to pull her and take her towards the orchard and it is alleged that when the victim girl shouted all of them had fled away.

Learned counsel submits that so far as these three petitioners are concerned, they had not even stopped near the victim girl as per her statement. These petitioners have otherwise no criminal antecedent and against them no case under Section 354 of the Indian Penal Code or under Section 8 of the POCSO Act may be made out.



Learned A.P.P. for the State is present and admits that so far as allegation of catching hold of the hand of the victim girl is concerned, the said allegation is against the two other accused. So far as these three petitioners are concerned, according to the statement of the victim girl they had not caught hold of her hand.

In the given facts and circumstances of the case, wherein the victim girl has not alleged that these petitioners had caught hold of her hand and pulling her, the dispute over drainage is mentioned in the F.I.R. itself, in the nature of the materials placed before this Court, this Court directs that the above named petitioners in case of their arrest or surrender within a period of four weeks from today in connection with Kudra P.S. Case No. 160 of 2020 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-VIth cum Special Judge, POCSO Act, Kaimur at Bhabua 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.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

And further condition that in course of trial the petitioners shall cooperate and two consecutive defaults in putting appearance shall invite cancellation of bail bonds of the petitioners.

This application stands disposed of accordingly.

**(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'.

