

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37752 of 2020

Arising Out of PS. Case No.-90 Year-2020 Thana- GOVINDPUR District- Nawada

Nitish Kumar, aged about 20 years (male), son of Yogeshwar Ravidas, resident of Village- Ambedkar Nagar, Kunda, P.S.- Govindpur, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate
For the State : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 23-07-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Anil Kumar Singh, learned counsel for the petitioner and Mr. Bharat Bhushan, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. Learned counsel for the petitioner submitted that he may be permitted to add the number of the special case i.e., POCSO Case No. 76 of 2020 with the FIR number. Prayer is allowed. Let the same be done by tomorrow through *e* mode.

4. The petitioner apprehends arrest in connection with Govindpur PS Case No. 90 of 2020 dated 10.05.2020, corresponding to POCSO Case No. 76 of 2020, instituted under Sections 354-A, 504, 337, 506/34 of the Indian Penal Code and



8 of the Protection of Children from Sexual Offences Act, 2012.

5. The allegation against the petitioner is that when the minor daughter of the informant was at the door of her house and offering prayer in the evening at 6.30 PM, the petitioner, along with others, had come and had pulled the scarf of the daughter of the informant and when the informant had gone to the house of the petitioner, the informant and her family members were threatened and were sent outside the house and had stated that they would get *Panchayati* done and would deal with the informant, but again they had abused and thrown brick-bats and somehow, the informant side had managed to save themselves.

6. Learned counsel for the petitioner submitted that from the reading of the FIR, it is clear that the parties being young, the incident of the petitioner having pulled the scarf from the neck of the daughter of the informant, even if true has been blown out of proportion. Learned counsel submitted that even as per the FIR, there is no allegation of any assault resulting in any injury to any person. Learned counsel submitted that the story in the FIR is not the true narration of the incident. It was submitted that it has come during investigation that every day as a matter of routine the petitioner and others used to play



cricket and come and wash themselves at the hand pump of the informant and on the date of occurrence, there was some altercation between the two sides and without waiting for any *Panchayati*, FIR has been lodged. Learned counsel submitted that the petitioner has clean antecedent.

7. Learned APP submitted that the petitioner, who had come to the house to the informant, had pulled the scarf of the daughter of the informant which is a serious misconduct on his part.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned 6th Additional District and Sessions Judge-cum-Special Judge, POCSO Act, Nawada, in Govindpur PS Case No. 90 of 2020 corresponding to POCSO Case No. 76 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond and give



undertaking with regard to good behaviour of the petitioner, and
(iii) that the petitioner shall cooperate with the Court and the
police/prosecution. Any violation of the terms and conditions of
the bonds or undertaking or failure to cooperate shall lead to
cancellation of his bail bonds.

9. It shall also be open for the prosecution to bring
any violation of the foregoing conditions of bail by the
petitioner, to the notice of the Court concerned, which shall take
immediate action on the same after giving opportunity of
hearing to the petitioner.

10. The petition stands disposed off in the
aforementioned terms.

(Ahsanuddin Amanullah, J)

J. Alam/-

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