

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35275 of 2021

Arising Out of PS. Case No.-36 Year-2019 Thana- MAHILA PS District- Darbhanga

SURENDRA RAM, (Male), aged about 50 years, Son of Late Chaitu Ram,
Resident of Village- Birnia, Police Station- Bahadurpur (Sonki O.P.) and
District- Darbhanga.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Gajendra Kumar Singh, Advocate
For the Opposite Party : Mr. Parmanand Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 23-05-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the office, within a period
of four weeks.

The petitioner is apprehending his arrest in connection
with POCSO G.R. No. 22 of 2019, arising out of Darbhanga
Mahila P.S. Case No. 36 of 2019 for the offence registered
under Sections 323, 341, 354, 354(B), 504, 506 and 34 of the
I.P.C. and Sections 8/12 of the POCSO Act.

The prosecution story, in brief, is that the petitioner
used to make obscene gestures to the victim. On which, her
family made a complaint to the wife of the petitioner. On



15.05.2019 at about 7.00 P.M., when the victim was coming from *Sonki Bazar*, the petitioner caught hold the victim from behind. She was closed her mouth and dragged her into an orchard. The petitioner disrobed her and attempted to commit rape upon her. On her alarm, her sister-in-law came there and pushed the victim. Later on, the petitioner assaulted them and escaped from the place of occurrence.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. He has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. As per allegation, the petitioner is said to have misbehaved with the informant. After investigation, the allegation was found to be false and the charge sheet was submitted under Section 504 of the I.P.C. but the learned court below has differed with the said police report and took cognizance under Section 376/511 of the I.P.C. and other allied Sections of the I.P.C. It has further been submitted that 10 days prior to institution of the present case, a case was instituted by the petitioner's side against the informant and her other family members. The present case is nothing but counter blast to the said case which was instituted by the petitioner against the



informant and his family members.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge (POCSO), Darbhanga, Bihar, in connection with POCSO G.R. No. 22 of 2019, arising out Darbhanga Mahila P.S. Case No. 36 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

