

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36950 of 2021

Arising Out of PS. Case No.-14 Year-2020 Thana- ATRI District- Gaya

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Suman Kumar @ Jitendra Kumar S/O Bhola Thakur R/O Village-Damodra,
P.S-Atri, District-Gaya, Bihar.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nishant Kumar Sinha

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-06-2022 Heard the learned counsel for the petitioner and
learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Sections 147,
149, 341, 323, 354(B), 504, 506 of the Indian Penal Code and
Section 8 of the POCSO Act.

The learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the informant, a
minor aged about 11 years, alleges that she had gone to study in
coaching of the petitioner on 24.01.2020. It is further alleged
that she was made to sit in the last row for taking test and during
the test, the petitioner touched her breast. It is next alleged that
the informant came home and disclosed the incident to her
friend Soni Kumari, who further disclosed the same to her



aunt and ultimately her mother came to know about the incident. It is next alleged that the family members of the informant went to the house of the petitioner to inquire as to why such occurrence took place where they were assaulted and threatened.

The learned counsel for the petitioner submits that prima facie in the nature of allegation as alleged, the offence appears to be heinous. It is next submitted that petitioner along with other accused persons have been falsely implicated in the case as would be evident from the observation of the learned Court below while recording the statement of the informant under Section 164 of the Cr.P.C. wherein the learned Court below has recorded its observation:- “The victim was carrying a piece of paper with all the written information as to the names of the accused and their father. She took it out quietly and was reading comes from it. On being asked as to who gave it to her and why, she said it was given to her by brother because she does not remember the names or details.”

The learned counsel submits that it appears that for some ulterior reason the informant was used by her brother for falsely implicating the petitioner along with other accused persons. It is next submitted that though the offence is not compoundable, but the parties have compromised as would be



evident from Annexure-3 to the anticipatory bail application. It is next submitted that the compromise in itself reflects that the case was instituted for some ulterior reason.

The learned Additional Public Prosecutor opposes the anticipatory bail application.

Considering the submissions made by the learned counsel for the petitioner and also taking into account the observation made by the learned Court below as observed, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Atri P. S. Case No.14 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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