

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32222 of 2022

Arising Out of PS. Case No.-94 Year-2021 Thana- LADAIYATAR District- Munger

SAURAV KUMAR @ SAURABH KUMAR S/o- Surendra Prasad Resident
of Village- Phulwaria, Danauli, P.S.- Phulwaria, District- Begusarai, Bihar-
851211.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shambhu Sharan Singh, Advocate
For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 354(B), 354(D), 509 and 34 of the Indian Penal Code read with Section 8 of the POCSO Act.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that on 27.11.2021 at 6:00 pm, his daughter went to attend nature's call when all the accused persons, including the petitioner, came and molested her and on alarm the villagers came and she was saved.

Learned counsel for the petitioner submits that



petitioner has been falsely implicated in the present case, it is next submitted that there is a general allegation of outraging the modesty of the victim by the petitioner and other accused persons but there is no allegation of committing or attempting to rape the victim. Learned counsel next submits that the present FIR has been instituted by the father of the victim but the victim in her statement recorded under Section 164 Cr.P.C. has stated that she and her mother went to the police station, the next day of the occurrence to institute an FIR but there they came to know that an FIR has already been instituted which also creates doubt with regard to the veracity of the allegations.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that similarly situated co-accused Manish Kumar and Dilip Kumar have been granted regular bail by order dated 02.11.2022 in Cr. Misc. No. 39404 of 2022.

Considering the submissions made by the learned A.P.P. for the State, the Court, maintaining parity, is not inclined to extend the privilege of anticipatory bail to the petitioner. His prayer for anticipatory bail is thus rejected.

However, in the event, if the petitioner surrenders on or before 06.12.2022, the learned trial court shall on the same



day dispose of the case keeping in mind the fact that similarly situated co-accused have been granted regular bail by this Court, as aforesaid.

(Satyavrat Verma, J)

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