

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.49094 of 2021**

Arising Out of PS. Case No.-387 Year-2014 Thana- JAKKANPUR District- Patna

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AJIT KUMAR Son of Kanhaiya Lal Singh Resident of Village- Semara, P.S.-  
Natwar, District- Rohtas.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Subash Kumar, Advocate

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

4      05-07-2022                      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(A), 509 and 342/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that police, after investigation, submitted charge-sheet under Sections 354(A), 509 and 342/34 of the Indian Penal Code read with Section 8 of the Protection of Children from Sexual Offenses Act, 2012

Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that on 27.09.2014, at about 07:35 P.M., when she was returning from postal park coaching along with her friend then three boys stopped her near Uma Niwas and misbehaved with



her as detailed in the FIR. On raising alarm, the accused fled away.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. The allegation is general and omnibus in nature. It is next submitted that no offence under Section 8 of the POCSO Act is made out. It is also submitted that the case was compromised between the parties on 03.03.2021 as would be evident from Annexure-2 to the anticipatory bail application. It is next submitted that the petitioner has moved before the learned court below but the learned court below disposed of the same on the ground that it was not maintainable as the petitioner was on police bail. Learned counsel relies on the order dated 28.06.2022 in Cr. Misc. No. 69403 of 2021 (Mukesh Kumar @ Mukesh Thakur & Ors. Vs. The State of Bihar) to submit and even if an accused has been granted the privilege of police bail still his anticipatory bail is maintainable.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner and taking into consideration the order dated 28.06.2022 in Cr. Misc. No. 69403 of 2021, 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, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Special Case No. 142 of 2015 (POCSO Act) arising out of Jakkanpur P.S. Case No. 387 of 2014, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

**(Satyavrat Verma, J)**

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