

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53195 of 2021

Arising Out of PS. Case No.-31 Year-2017 Thana- PANDARAK District- Patna

1. ATUL KUMAR Son of Sanjay Kumar Resident of Village - and P.O. and P.S.- Pandarak, Distt.- Patna.
2. ROHIT KUMAR Son of Ranjeet Kumar @ Ranjeet Singh Resident of Village - and P.O. and P.S.- Pandarak, Distt.- Patna.
3. AMIT KUMAR @ AMIT SAURABH Son of Late Chhotan Ram Resident of Village - and P.O. and P.S.- Pandarak, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Arun, Advocate
For the Opposite Party/s : Ms. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 21-06-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 323, 387, 504, 506, 354(a), 354(b) and 34 of the Indian Penal Code read with Section 8 of the POCSO Act.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and are students in the age group in between 19-20 years and the informant alleges that while she used to go for sports training at the center, the accused persons, including the petitioner, used to tease her and



abuse her, it is next alleged that accused persons even used to inappropriately touch her body and on protest used to threaten that she would be raped.

Learned counsel for the petitioners submits that from perusal of the allegation as alleged in the F.I.R. it would manifest that the allegation is in three parts; the first part relates to the petitioner where it is alleged that while the informant used to go to the training centre, the petitioner and other accused persons used to tease her and touch her inappropriately, the second part of the allegation relates to Anil Singh on which a complaint was also made to the Dy. S.P. and accordingly the S.H.O. of the concerned P.S. had come to the house of the informant and had requested her to give a written complaint but she was satisfied that the accused persons would not commit such occurrence in future and the third part of the allegation relates to one Pankaj Singh which occurred on 29.03.2017 in which the present petitioners do not form part of the allegation. Learned counsel thus submits that if the informant had any grievance with the petitioners then definitely she would have given a complaint to the S.H.O. of the concerned P.S. as he requested her to file a case but she on her own volition chose not to file a criminal case and thereafter it is not the case of the



informant that the petitioner in any manner teased her or acted inappropriately. Learned counsel also submits that in the event if the petitioners, who are young boys, are sent to jail, they will come in contact of hardened criminals and their entire career would be jeopardised.

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

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their 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. 25,000/- (Rupees Twenty Five Thousand) each 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 Pandarak P.S. Case No. 31 of 2017 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. with a condition that one of the bailors of the petitioner nos. 1 and 2 shall be their respective fathers and one of the bailors of the petitioner no.3 shall be his close relative.

In the event, if the learned court below comes to a conclusion that the petitioners after availing privilege of



anticipatory bail are trying to delay the trial in any manner, the learned court below shall forthwith cancel their bail bonds after recording reasons.

(Satyavrat Verma, J)

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