

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58625 of 2021

Arising Out of PS. Case No.-57 Year-2019 Thana- MAHILA P.S. District- Muzaffarpur

1. ASHUTOSH KUMAR @ GULSHAN KUMAR @ GULSHAN THAKUR
Son of Suresh Singh Resident of Village - Karanpur Dakshini, P.s.- Bochaha,
Distt.- Muzaffarpur.
2. Shiv Darshan Kumar @ Sintu Son of Anirud Sharma Resident of Village -
Karanpur Dakshini, P.s.- Bochaha, Distt.- Muzaffarpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan, Advocate
For the Opposite Party/s : Mr.Rajesh Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

- 3 08-09-2022 Learned counsel for the petitioners is directed to remove
all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioners as well as the
learned APP for the State.

The petitioners apprehend their arrest in connection with
Bochaha P.S. Case No. 57 of 2019, registered for the offences
punishable under Sections 120B, 376, 511 of the Indian Penal Code
and Sections 8 and 12 of the POCSO Act.

As per allegation, when 14 years old daughter of the
informant was scrapping grass, the petitioners came there and the
specific allegation is that the petitioner No. 1 touched her cheek and
petitioner No. 2 after putting his hand in her frock started molesting
her. They also asked her to proceed inside the bushes where they



would commit evil deed with her. On hue and cry raised by the victim the petitioners fled away.

Learned counsel for the petitioners has submitted that the investigating authorities submitted final form and the case has also been compromised between the parties.

It appears that the learned court below differed with the opinion of investigating authorities and after considering the statements of the witnesses as well as other materials referred in Paragraph Nos. 1,3,7,8,9,10 and 11 of the case diary, the learned court below had taken cognizance under Section 8/12 POCSO Act and also under section 354 of the IPC. In my view, it is not a fit case for anticipatory bail. Accordingly, it is rejected.

The petitioner is directed to surrender before the court below and make a prayer for regular bail. The learned court below shall consider the same on its own merit without being prejudiced by this order.

Office shall ensure that all defects are removed by the petitioners within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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