

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.12009 of 2021**

Arising Out of PS. Case No.-154 Year-2020 Thana- BHAIKAVSHTHAN District-  
Madhubani

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Abhishek Jha Son Of Ganpati Jha Resident Of Village- Patti Tol, P.S.-  
Bhairab Ashan, District- Madhubani

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Ratanakar Jha

For the Opposite Party/s : Mr. Raj Kishore Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
ORAL ORDER

2      10-02-2022                      Due to the third wave of COVID-19 Pandemic, the  
matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading “For  
Orders” under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioner is directed to  
remove the defect(s), as pointed out by the office, within a  
period of four weeks after restoration of normalcy.

Heard learned counsel for the petitioner and the State  
through virtual mode.

The petitioner is apprehending his arrest in Bhairab  
Asthana P.S. Case No. 154 of 2020 registered under Sections  
341, 323, 304(B), 504/34 of the Indian Penal Code and Section-  
7/8 of POCSO Act.



Allegedly, the petitioner and other accused persons used to pass indecent comments on the informant's daughter and touched her breast.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been falsely implicated in the present case. The victim has been examined u/S 164 Cr.P.C. in which, she made specific allegation against co-accused namely, Satyam Jha, Krishna Mishra and Rajesh Jha and not the petitioner. Due to professional rivalry, the petitioner has been made accused in the present case.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

It is necessary to indicate here that this Court while considering the prayer made in the present anticipatory bail application has taken note of the exponential rise in number of covid cases due to outbreak of third wave of Covid-19 pandemic. Further this Court can also not lose sight of the fact that the condition of jails is not conducive and suitable to the present situation which has arisen due to the sudden rise in covid cases.



Considering the aforesaid facts and circumstances of the case, the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned Additional Sessions Judge-VII-cum-Special Judge, POCSO, Madhubani in connection with Bhairab Asthan P.S. Case No. 154 of 2020 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

**(Sudhir Singh, J)**

A.K.V.//-

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