

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64614 of 2022

Arising Out of PS. Case No.-307 Year-2022 Thana- AGAMKUAN District- Patna

VISHAL KUMAR S/o Niranjan Kumar R/o - Nandlal Chhapra, P.S.- Ram
Krishna Nagar, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajeet Singh, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 354,
354(A), 354(D), 323/34 of the Indian Penal Code and Sections 8
and 12 of the POCSO Act.

Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and is a young boy
aged about 22 years.

The informant alleges that while his daughter a minor
used to go for tuition, 7-8 miscreants used to tease her. Further,
on 03.09.2021, eight accused persons came on three
motorcycles and started molesting his daughter. One of the



motorcycle registration numbers was recorded as detailed in the FIR. Further, on account of such occurrence her tuition was discontinued.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is further submitted that the date of occurrence is 03.09.2021 and the name of the petitioner transpired during the course of investigation based on photograph which was taken in April, 2022. It is next submitted that petitioner is a student and is not the owner of the vehicle.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that no doubt petitioner is not named in the FIR nor he is the owner of the alleged vehicle as submitted by the learned counsel for the petitioner but the allegation is serious and it appears that the petitioner is a lumpen element and though it has been submitted by the learned counsel for the petitioner that he is a student but there is no averment in the anticipatory bail application to remotely suggest that petitioner is a student in the sense that where he studies or where he had studied earlier. Mere bald assertion in absence of valid documentary evidence to prima facie suggest that petitioner is a student does not cut any ice for



the purposes of anticipatory bail. He next submits that one can well imagine the trauma of the minor and the father of the victim and his helplessness can also be well gauged as the minor had to discontinue her tuition because of such activities of the lumpen elements involved in the occurrence.

Considering the submission made by the learned A.P.P., the Court is not inclined to extend the privilege of anticipatory bail to the petitioner in connection with Agam Kuan P.S. Case No. 307 of 2022 pending in the Court of learned Chief Judicial Magistrate, Patna/successor Court.

Hence, prayer for anticipatory bail is rejected.

(Satyavrat Verma, J)

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