

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14676 of 2023

Arising Out of PS. Case No.-833 Year-2022 Thana- BIHTA District- Patna

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MUKESH KUMAR @ MUKESH SHARMA Son of Sri Ramesh Mistri R/o
Raghopur, Bihar, P.S- Bihta, Dist- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sanjana Kumari Daughter of Subodh Kumar The Victim Informant namely
Sanjana Kumari under the guardianship of her father Subodh Kumar, R/o
Bihta (Raghopur) P.S - Bihta, Dist. - Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate Mr. Lakshmi Kant Sharma, Advocate Mr. Santosh Kumar Pandey, Advocate
For the Opposite Party/s :		Mr. Bharat Bhushan, APP-156

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 17-07-2023 1. Heard learned Senior Counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 354(A) and
354(B) of the Indian Penal Code as well as Section 12 of the
Protection of Children from Sexual Offences Act.

3. Learned Senior Counsel for the petitioner submits
that petitioner is a person with clean antecedent and at the outset
draws the attention of the Court to para 13 of the anticipatory bail
application to submit that, the victim girl when learnt about the
present case she filed a compromise petition on 12.12.2022 in the
Special Court, POCSO categorically stating therein, that the
accused has falsely been implicated due to professional rivalry and



though she is a student of another school and the teacher of that school obtained her signature on a blank paper on the pretext of giving books and thereafter, false case was lodged and the allegation against this accused- petitioner is baseless and contrary to facts. Even the police is put pressure upon her under the threat of sending her to jail and accordingly, on the dictates of police she got her statement recorded. She has finally said that she does not want to proceed further in the case nor will make any pairvi or evidence in the case. Petitioner craves leave to produce the certified copy of the compromise petition at the time of hearing of the case.

4. Learned Senior Counsel submits that since a categorical statement has been made at para 13 of the anticipatory bail application that the informant has resiled from her allegation and has also entered into a compromise as such no useful purpose would be served by sending the petitioner to jail. Learned Senior Counsel further produced a copy of the compromise petition before this Court which is taken on record. It is next submitted that notices were issued but the office report records that opposite party no. 2 not met. It is also submitted that since the opposite party no. 2 is not willing to pursue the case as such it appears that she is not willing to contest as such the notice was returned with a note that opposite party no. 2 not met. It is further submitted that allegation



against the petitioner is of touching the opposite party no. 2 inappropriately when she went to take tuition in the coaching centre. It is next submitted that since the case has been compromised between the parties and the opposite party no. 2 realizing her mistake is also not willing to pursue the case as such it appears that on account of professional rivalry the present false case came to be instituted.

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

6. Considering the submissions made by the learned counsel for the petitioner, 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.10,000/- (Rupees Ten 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 Bihta P.S. Case No. 833 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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