

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14494 of 2023

Arising Out of PS. Case No.-592 Year-2022 Thana- TEKARI District- Gaya

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SURAJ KUMAR @ SURAJBHAN KUMAR @ SURAJ BHAN S/O
SANJAY KUMAR @ SANJAY SHARMA Resident of village- Sahvara, P.S.-
Tekari (Mau OP), District- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Ms. Pronoti Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 14-07-2023 1. Heard learned 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 377 and
511 of the Indian Penal Code as well as Section 8 of the POCSO
Act.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent.

4. The informant alleges that he is minor aged about
17 years and three months, further on 15.09.2022, the petitioner
came and asked him to come on the terrace. When he reached
on the terrace the petitioner asked him to commit theft for
meeting the expenses of Dushhara Puja. It is further alleged that
they planned to loot Baban Singh who was sleeping in his Dalan



with money. It is next alleged that when they reached near the house of Manoj Sharma the petitioner tried to commit unnatural act with him but he pushed him and wore his pant and thereafter they went to the Dalan of Baban Singh and the informant took out money from his waist but Baban Singh woke up and caught the informant when the informant threw the money and the petitioner after picking the money fled away. It is also alleged that petitioner earlier also had tried to commit unnatural act with the informant.

5. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the same does not inspire confidence for the reason that it absolutely does not stand to reason that if what has been alleged by the informant is true then whether the informant would have accompanied the petitioner for looting Baban Singh. It is next submitted that the present false FIR came to be instituted at the instance of one Kaushlendra Kumar who is the nephew of Baban Singh and he had instituted a case with regard to the occurrence of theft being committed by the informant and the petitioner. Learned counsel also submits that the informant after realizing his mistake filed a



compromise petition before the learned trial court in which his father has also signed as such the case has been compromised between the parties on intervention of the well-wishers.

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

7. 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.5,000/- (Rupees Five 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 Tekari (Mau O.P.) P.S. Case No. 592 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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