

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14952 of 2023

Arising Out of PS. Case No.-284 Year-2022 Thana- BOCHAHAN District- Muzaffarpur

1. VIKASH KUMAR Son of Shri Ganesh Paswan R/V- Bajitpur Majhauri, P.s- Bochahan, Dist- Muzaffarpur
2. Ramesh Kumar Paswan @ Ramesh Paswan Son of Shri Vishawnath Paswan R/V- Bajitpur Majhauri, P.s- Bochahan, Dist- Muzaffarpur
3. Prince Kumar Son of Shri Suresh Paswan R/V- Bajitpur Majhauri, P.s- Bochahan, Dist- Muzaffarpur
4. Sunil Kumar Son of Rambriksha Chaudhry R/V- Bajitpur Majhauri, P.s- Bochahan, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lokesh Kumar

For the Opposite Party/s : Dr. Indivar Kumari

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 19-05-2023 Heard learned Counsel for the petitioners and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Bochahan Police Station Case No. 284 of 2022 dated 08.07.2022, disclosing offences under Sections 341/342/323/307/354-B/379/504/506/34 of the Indian Penal Code.

The prosecution case, on the basis of the First Information Report, is that while the informant had gone for performing prayer, the petitioners, in inebriated condition,



started teasing the informant and her family members and, in the process, tried to outraged the modesty of women folk and also committed physical and sexual assault upon one victim aged about thirteen years.

Learned Counsel for the petitioners submits that both the parties are co-villagers and two days before the date of occurrence, some altercation had taken place between the parties on the point of playing D.J. in the marriage function. Learned counsel next submits that during the course investigation, a supervision note of the superior police officer was recorded in the paragraph-14 of the case dairy, in which, the police authority has recorded that Section 8 of the Prevention of Child from Sexual Offences Act is not attracted in the present case. He also submits that no serious injury has been caused to anybody as such Section 307 IPC is not attracted and there is two day's delay in lodging First Information Report.

Regards being had to the submissions made on behalf of the parties and taking into consideration the fact that both the parties are co-villagers and there was dispute between them on the point of playing D.J. two days before the occurrence and Section 8 of the Prevention of Child from Sexual Offences Act is not attracted as per supervision note,



accordingly, I am inclined to grant the petitioners privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Court POCSO, Muzaffarpur, in connection with Bochahan Police Station Case No. 284 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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