

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15864 of 2023

Arising Out of PS. Case No.-339 Year-2022 Thana- GOVINDGANJ District- East
Champaran

=====

NIRBHAY KUMAR SINGH @ NIRBHAY SINGH S/o Late Chandeshwar
Singh Resident of Village-Bhelanari, Bharwaliya, P.S.-Govindganj, District-
East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Ramchandra Sahni, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioner and the

learned APP for the State

The petitioner apprehends his arrest in connection
with Govindganj P.S. Case No.339 of 2022 instituted under
Sections 341, 323, 354, 354A, 354B, 34 of the Indian Penal
Code and under Section 8 of POCSO Act lodged on 06.07.2022
by the informant Putul Kumari.

As per the prosecution story, when the informant and
her sister used to go to computer class everyday on bicycle,
boys used to follow them and pass awkward comments. The
informant and her sister used to ignore them. Informant further
stated that, on 06.07.2022 at about 12:00 hours when she had
gone to Areraj for computer class and she along with her sister
were returning after class, at about 05:30 PM when she reached



near Bhelnari village, 10 to 12 boys were sitting with a Bullet Motorcycle, (out of whom, the informant recognize 3 persons namely Rahul Singh, Nirbhay Singh and Rishabh Kumar) dashed them with the motorcycle and started teasing them. Informant further alleged that, Rahul Singh snatched her scarf and when informant's sister tried to rescue her, then Nirbhay Singh started pulling her hair. In the meantime, the informant called her family members on phone the accuseds started beating them. Both the sisters were finally rescued by the persons present there. All the three accused persons have threatened to kill the family members of the informant. Accordingly, the FIR.

Learned counsel for the petitioner submits that under confusion the petitioner/accused has been named in the FIR. The facts remains that the motorcycle got with an accident with the cycle and the FIR has been exaggerated.

Learned APP on the other hand opposes the prayer for anticipatory bail stating that there is allegation of teasing the girls whenever they used to go to coaching institute and back..

Although the kind of allegation that has come against the petitioner at the first hand, this Court was not inclined to grant him privilege of anticipatory bail considering that he is



young to person and has a long future putting him in jail will not serve any purpose, this Court is inclined to grant him privilege of anticipatory bail, subject to strict conditions so that he may realize the duties that a citizen is expected to do for the betterment of the society.

Let the petitioner be released on bail, in the event of his arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Govindganj P.S. Case No.339 of 2022 to the satisfaction of learned Additinal District and Sessions Judge, 6th-cum-Special Judge, POCSO, Motihari, East Champaran, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner will make himself available to the police as and when required in course of investigation;

(iii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iv) the petitioner shall appear before the concerned police station everyday for next one month to mark attendance;

(v) the petitioner shall appear before the concerned police station every month for next one year thereafter to mark attendance;

(vi) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(vii) the petitioner shall do community service for a week and submit a certificate (issued from the body where he will do the service) before the concerned court.

The anticipatory bail application stands allowed.

(Rajiv Roy, J)

Prakash Narayan /
Sunil

U		T	
---	--	---	--

