

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18294 of 2023

In
CRIMINAL APPEAL (SJ) No.4425 of 2022

Arising Out of PS. Case No.-389 Year-2021 Thana- CHOUTARWA District- West
Champaran

=====

HARI LAL PATEL @ HARILAL CHAUDHARY S/O LATE
BHAMICHHAN @ BIBHISHAN CHAUDHARY @ BHABHICHHAN
PATEL Resident of village- Sictor Ward No.- 14, Garahiya Harpur, P.S.-
Chautarwa, District- West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Pramod Kumar
For the State : Mr.Usha Kumari I
For the informant-O.P. No. 2 : Mr. Dilip Kumar Roy

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 6 13-12-2023 1. Heard learned Counsel for the petitioner, learned Counsel
for the Opposite Party No. 2 and learned Additional
Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out
of Chautarwa Police Station Case No. 389 of 2021, dated
09.12.2021, disclosing offences punishable under
Sections 341/323/354/34 of the Indian Penal Code,
Section 8 of the Prevention of Children from Sexual
Offences Act, 2012 and Sections 3 (i) (r) (s) (w) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989.
3. The prosecution case, as per the First Information Report,



is that the while the informant was returning after finishing her agricultural work on a tractor, suddenly co-accused Paramhesh Patel started assaulting her by fists and slaps, abused her and snatched her ornament (mangalsutra) from her neck and when the daughter of the informant went at his residence for demanding mangalsutra back, the petitioner started outraging her modesty.

4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to political rivalry. He next submits that the police, after completion of investigation, submitted final form, not sending the petitioner for trial. However, the learned Special Judge, differing with the final form, took cognizance against the petitioner also, having no material. Referring to paragraph 38, 39 and 64 of the case diary, learned Counsel submits that the witnesses have not supported the prosecution story and in paragraph 64 of the case diary, the victim girl has also not supported the prosecution version, lodged by the informant.
5. Learned Additional Public Prosecutor does not dispute the submissions advanced on behalf of the petitioner.



6. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that after investigation, the police submitted final form, not sending the petitioner for trial and in the case diary, the victim girl has not supported the prosecution case, I am inclined to grant the petitioner privilege of anticipatory bail.
7. This application is, accordingly, allowed.
8. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, 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 7th Additional Sessions Judge -cum- Special Judge, POCSO, West Champarna, at Bettiah, in connection with Chautarwa Police Station Case No. 389 of 2021, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

U	✓	T	✓
---	---	---	---

