

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20091 of 2023

Arising Out of PS. Case No.-576 Year-2022 Thana- DUMRAO District- Buxar

Akhilesh Rajbhar @ Akhileshwar Rajbhar, S/O Budhiram Rai, Resident of
Village- Mahraura, P.S.- Dumraon, District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Vishwanand Upadhyay, Advocate
For the Opposite Party/s :	Mrs. Usha Kumari 1, APP
For the Informant :	Mr. Anand Kumar Ojha, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 16-05-2023 Heard learned counsel for the petitioner and

learned APP for the State as well as learned counsel for the

informant.

2. In the present case, the petitioner seeks bail in connection with Dumraon P.S. Case No. 576 of 2022 registered on 29.12.2022 for the alleged offences under Sections 341, 323, 308, 504 and 506 of the Indian Penal Code, Sections 8 and 12 of the POCSO Act and Sections 3(i), (r), (s), (wi)/3(2), (va) of the Scheduled Caste and Scheduled Tribes (POA) Act.

3. As per prosecution case, the petitioner tried to drag the minor daughter of the informant to a field and tried to commit some obscene act with her. On alarm being raised, the petitioner fled away from the spot. When the informant and her



husband went to the house of the petitioner, the petitioner assaulted them with the rod causing injuries to them.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner and informant are neighbours. There has been some dispute between the family and the present case has been lodged on account of this dispute. Learned counsel further submits that the statement of victim girl was recorded under Section 164 Cr.P.C. wherein she has stated that she along with another girl went to the pond and while returning back they started plucking flowers of the mustered plant and the said act was objected by the petitioner and he attempted to drag her. When she raised alarm the petitioner fled away. This statement of the victim girl shows that the petitioner just forbade the victim from plucking the mustered flower. The girl who was with the victim at the time of occurrence was not examined by the police. It is also apparent from the record that victim has not suffered any injury and the injury report of the mother of the victim shows that she has suffered simple injury and injury suffered by the father of the victim is not in serious in nature. The petitioner is in custody since 31.12.2022 and charge-sheet has been submitted. Petitioner is having clean antecedent.



5. Learned APP as well as learned counsel for the informant vehemently oppose the prayer for bail. Learned counsel for the informant submits that the petitioner tried to drag away the minor daughter of the informant and when the parents of the victim girl went to the house of the petitioner they were assaulted by rod causing grievous injuries to them.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the nature of allegation which is bereft of any sexual assault in the narration and further considering the clean antecedent of the petitioner along with his period of custody and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned District and Sessions Judge-VI-cum-Special Court of POCSO Act, Buxar/concerned court in connection with POCSO Case No. 20 of 2023 arising out of Dumraon P.S. Case No. 576 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.



(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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