

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26086 of 2023

Arising Out of PS. Case No.-315 Year-2022 Thana- BARH District- Patna

1. SAURABH KUMAR S/O UMESH PRASAD R/O Village- Rasulla ward no.16, P.S- Barh, Distt.- Patna.
2. Guddu Kumar @ Rajkumar S/O Ravindra Kumar @ Ravindra Prasad R/O Gopkita ward no. 7, P.S- Pandarak, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-07-2023 Heard the learned counsel for the
petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Special (POCSO) Case No. 60 of 2022, arising out of Barh P.S. Case No. 315 of 2022, registered for the offences punishable under Sections 341, 354, 354(A), 509/34 of the Indian Penal Code and Sections 8 and 12 of the POCSO Act.

The allegation is regarding the petitioners and one another miscreant having intercepted the daughter of the informant when she was returning after attending her tuition class, whereupon they



had misbehaved with her and tried to molest her.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. The learned counsel for the petitioners has further submitted that a general and omnibus allegation has been levelled, however, no such incident had ever taken place, nonetheless, the petitioners are ready and willing to abide by such conditions as may be deemed fit and proper to be imposed for the purposes of admitting the petitioners to the privilege of anticipatory bail.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that a superficial sort of allegation has been



levelled against the petitioners, apart from the fact that they are having a clean antecedent, though I deem it fit and proper to admit the petitioners herein to the privilege of anticipatory bail, however, subject to certain conditions.

Accordingly, the petitioners, above named, are directed to be released on anticipatory bail in the event of their arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.D.J.-VI-cum-Special Judge, POCSO Act, Patna in connection with Special (POCSO) Case No. 60 of 2022, arising out of Barh P.S. Case No. 315 of 2022, subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

It is needless to state that the petitioners would mark their attendance before the Officer In-Charge of the concerned Police Station at 10:30 A.M. on every Monday of the week and in the event of their failure to do so on two consecutive



occasion, the present privilege of bail shall stand cancelled automatically and the petitioners shall be taken into custody, forthwith.

(Mohit Kumar Shah, J)

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