

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.25605 of 2023**

Arising Out of PS. Case No.-924 Year-2022 Thana- MAJHAULIA District- West Champaran

VIJAY RAM S/O AKLU RAM Resident of Village- Senuwariya Ward No.-  
12, P.S.- Majhauriya, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                            |                            |
|----------------------------|----------------------------|
| For the Petitioner/s :     | Mr.Bimlesh Kumar Pandey    |
| For the Opposite Party/s : | Mr.Anant Kumar 1, APP      |
|                            | Mr.Sanjeev Kumar, Advocate |
|                            | Mr.Raushan Raj, Advocate   |

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

2      07-07-2023                      Heard learned counsel for the petitioner and the  
  
learned APP for the State as well as learned counsel for the  
  
informant.

The petitioner is apprehending his arrest in connection  
with Majhauriya P.S. Case No 924 of 2022 registered for the  
offence punishable under Sections 341, 354D, 504, 506 and 34  
of the Indian Penal Code and under Section 8 and 12 POCSO  
Act.

The allegation is that in the wee hours, on 24.11.2022, the  
informant who claims to be a minor, aged about 16 years, has  
gone to ease herself, when the petitioner has caught her hand  
with the bad intention. She has somehow managed to escape  
and subsequently objection was raised by family members of



the victim, which was met with hostility leading to lodging of the instant case.

Learned counsel for the petitioner submits that allegation, at best, alleges that the petitioner has caught the hand of the victim. The said fact is an afterthought as the FIR has been lodged on 25.11.2022, making the minor girl an informant whereas the allegations are to the extent that the parents of the petitioner have threatened and abused the parents of the victim, who have not come forward to lodge the FIR. The delay and circumstances, keeping in background, the nature of failed attempt by the petitioner is manifest of the falsity of the prosecution case. Petitioner has no criminal antecedent.

Learned APP as well as counsel for the informant submit that informant is a minor, she has stood by her allegation in the statement made under Section 161 Cr.P.C.

Considering the nature of allegations and the circumstances in which the FIR has been lodged belatedly and the clean antecedent of the petitioner, this Court is inclined to allow petitioner's prayer for grant of anticipatory bail.

Accordingly, 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 the learned Special Judge POCSO-cum-ADJ VI, Bettiah, West Champaran in connection with Majhauriya P.S. Case No 924 of 2022, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

**(Madhuresh Prasad, J)**

SUMIT/-

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