

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36035 of 2023

Arising Out of PS. Case No.-127 Year-2020 Thana- DAUDNAGAR District- Aurangabad

Anil Sharma S/O Nanda Sharma R/O Village- Manar, P.S- Daudnagar, Distt.-
Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Mukul Kumari, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-07-2023 Heard Mrs. Mukul Kumari, learned counsel appearing
on behalf of the petitioner and the learned APP for the State.

2. The petitioner apprehends his arrest in connection with Daudnagar P.S. Case No. 127 of 2020 registered for the offence punishable under Sections 341, 452, 323, 354(A) and 506/34 of the Indian Penal Code and Section 8/12 of the POCSO Act.

3. It is alleged that while the daughter of the informant had gone to attend the call of nature, in the meantime, the petitioner and his father assaulted her. It is further alleged that soon, thereafter, all the accused persons including the petitioner entered into the house of the informant and assaulted the informant and her family members and also threatened with dire consequences that in case they will disclose this facts, they



would be killed.

4. Learned counsel appearing on behalf of the petitioner submits that a dispute arisen on account of some trifling matter and thereupon, the present FIR has been instituted. However, even as per the narration of the FIR it is evident that only the allegation of attempt to tease has been levelled. Further submissions has been made that both the petitioner and the informant are next door neighbour and in order to put pressure upon the petitioner and his family members, this case has been instituted. Taking note of the aforesaid facts, during the course of investigation the petitioner has been allowed the benefit of Section 41(A) of the Cr.P.C. and furthermore, after the investigation, the police submitted charge-sheet only under Sections 341, 504 and 506 of the Indian Penal Code but differing with the final report, the learned Jurisdictional Court has taken cognizance for the offences as alleged in the FIR, hence the necessity of the present application.

5. On the other hand, learned APP for the State vehemently opposes the pre-arrest bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and



the fact that the petitioner has been allowed the benefit of Section 41(A) of the Cr.P.C. and the charge-sheet has been submitted for the bailable offences, coupled with the fair antecedent, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge – cum – Special Exclusive Judge (POCSO), Aurangabad in connection with Daudnagar P.S. Case No. 127 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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