

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34786 of 2023

Arising Out of PS. Case No.-13 Year-2023 Thana- MAHILA P.S. District- Kaimur (Bhabua)

BIPIN CHAUDHARY Son of Bajrangi Chaudhary @ Bajrangi Pasi R/o
village - Patserava, P.S. - Mohania, Distt. - Kaimur at Bhabhua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate

For the Opposite Party/s : Mrs. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 24-07-2023 Heard Mr. Tribhuwan Narayan, learned counsel

appearing on behalf of the petitioner and the learned APP for the

State.

2. The petitioner is apprehending his arrest in connection with Mahila P.S. Case No. 13 of 2023 registered for the offences punishable under Sections 354, 504, 506/34 of the Indian Penal Code. Later on, Section 12 of the Protection of Children from Sexual Offences Act was added.

3. Allegedly while the informant and her sister used to go for study from their home, all the accused persons, including the petitioner made some lewd remarks and when protest was made, the accused persons threatened with dire consequences. Previously, an informatory petition was also filed by the father of the informant, but the accused persons did not mend their



ways. They also thrown bricks over the informant and misbehaved with her family members, apart from abuse and threatening.

4. Learned counsel appearing on behalf of the petitioner submits that prior to the alleged occurrence, on account of some dispute Section 107 of the Cr.P.C. proceeding was also initiated between the parties and this F.I.R. is also an outcome of earlier dispute. He further submits that omnibus allegation has been levelled against all the accused persons and there is no overt act alleged against the petitioner. He next submits that the offences alleged in the F.I.R. are lacking ingredients for constituting the offence under Section 354 of the I.P.C. and so far Section 12 of the POCSO Act is concerned, the same is not attributable against the petitioner. He lastly submitted that the petitioner is a man of fair antecedent and he undertakes before this Court that he will not indulge in such type of crime in future.

5. On the other hand, learned APP for the State opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation, coupled with the fair antecedent, let the petitioner, named above,



in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge POCSO-cum-Additional Sessions Judge-VI, Kaimur at Bhabua in connection with Mahila P.S. Case No. 13 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with a further condition that, in future, if the petitioner would indulge in similar activities, the informant shall be at liberty to file an application for cancellation of his pre-arrest bail.

(Harish Kumar, J)

uday/-

U		T	
---	--	---	--

