

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37755 of 2023

Arising Out of PS. Case No.-20 Year-2022 Thana- ARWAL MAHILA District- Jehanabad

Pintu Kumar Son of Rajnandan Singh Resident of Village - Salempur, P.S.-
Kinjar in the district of Arwal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar, Adv

For the Opposite Party/s : Mr.Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner is apprehending his arrest in connection with POCSO Case No. 95 of 2022 arising out of Arwal Mahila P.S. Case No. 20 of 2022 registered for the offence punishable under Sections 376 and 511 of the Indian Penal Code and Section 8 of POCSO Act.

3. The FIR was lodged on 17.09.2022, stating that one day prior thereto on 16.09.2022, the petitioner, taking advantage of the victim being alone at home, has attempted to commit rape.

4. Learned counsel for the petitioner submits that the allegations are, at best regarding a failed attempt, as no rape has been committed even as per the FIR. It is further submitted



that under a misconception, the FIR was lodged, which is obvious from the petition filed by the informant in the Court below, copy of which is Annexure 2 to this application. The same belies the prosecution case. It is, under such circumstance, that the petitioner is apprehending his arrest.

5. Learned APP for the State has opposed the prayer for pre-arrest bail.

6. Considering the rival submissions, nature of allegation and the fact that better sense has prevailed over the informant as well as clean antecedent, this Court, for the limited purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed.

7. 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 Addl. Sessions Judge- VI-cum-Special Judge(POCSO), Jehanabad, in connection with POCSO Case No. 95 of 2022 arising out of Arwal Mahila P.S. Case No. 20 of 2022, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure with 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)

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