

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47384 of 2023

Arising Out of PS. Case No.-280 Year-2022 Thana- RAGHUNATHPUR District- Siwan

PINTU PARIT Son of Jhagaru Parit Resident of village - Chanauli, P.S. -
Raghunathpur, Distt. - Siwan

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 04-10-2023 Heard Mr. Gajendra Kumar Singh, learned counsel for
the petitioner as well as Mr. Sadanand Paswan, learned
Additional Public Prosecutor for the State.

2. It appears that notice has been received by the
opposite party no.2 personally despite of that no one has appears
on behalf of the opposite party no.2.

3. The petitioner is apprehending his arrest in
connection with Raghunathpur P.S. Case No.280 of 2022, F.I.R.
dated 06.12.2022 registered for the offence punishable under
Sections 147, 149,363,366A, 504, 506 of the Indian Penal Code
3(i)(r) SC/ST Act and 6/8 POCSO Act.

4. The prosecution case, in short, is that informant and
his minor daughter gone to nature's call. In the meantime, the
petitioner along with other co-accused persons came there and
made her daughter sit in a car and fled away with a intention to



marriage her. Accordingly, the FIR.

5. Learned counsel for the petitioner submits that petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that earlier the husband of the informant filed Raghunathpur P.S. Case No.49 of 2017 under Sections 363 & 366A of the Indian Penal Code against the petitioner on the basis of the same set of the allegation and in this case the police submitted the final form in favour of the petitioner on 10.05.2017 and the learned ACJM, VIIIth, Siwan had accepted the final form on 27.06.2019. He further submits that after submission of final form in favour of the petitioner, the informant/complainant has filed the complaint petition bearing Complaint Petition No.1957 of 2017 on 08.09.2017, which was instituted as Raghunathpur P.S. Case No.280 of 2022 on 06.12.2022. Learned counsel for the petitioner further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. Further submits that the date of birth of the victim is 29.09.2019 and therefore on the date of occurrence, the victim was major, so no case is made out under POCSO Act against the petitioner.

6. Learned APP for the State, on the other hand



vehemently opposed the prayer for anticipatory bail of the petitioner on the ground that petitioner carry one more criminal antecedent other than the present one, but fairly submits that the case mentioned in paragraph-3 of the petition is filed by the husband of the informant in which the police submitted the final form in favour of the petitioner.

7. Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 6th Additional Sessions Judge-cum-Special Judge, POCSO, Siwan in connection with Raghunathpur P.S. Case No.280 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the Court below.



(ii) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of anticipatory bail.

(iii) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of anticipatory bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Prakash Narayan

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