

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46197 of 2023

Arising Out of PS. Case No.-180 Year-2022 Thana- NAUTAN District- West Champaran

Vivek Kumar @ Vivek Kumar Shriwastva @ Vikash Kumar, Son of Ashok Prasad, Village Mangalpur Kala Ps Nautan District West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 24-08-2023 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the informant.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 148, 341, 323, 354, 307 and 504 of the Indian Penal Code and Section 8 of POCSO Act.

3. Prosecution case in brief, is that allegation against the petition is that he tried to outrage the modesty of informant and also assaulted her father by tying *gamcha* over his neck.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Petitioner has no criminal antecedent as mentioned in para-3 of this application. Learned counsel for the petitioner further submits that after investigation, police has filed the



charge-sheet under Section 323 and 504 of the Indian Penal Code which was the bailable Sections but the Court below has taken cognizance under Section 8 of POCSO Act against the petitioner.

5. Learned APP for the State as well as learned counsel for the informant opposes prayer for anticipatory bail.

6. Considering the facts and circumstances of the case as well as the charge-sheet was submitted under Section 323 and 504 of Indian Penal Code but Court take cognizance under POCSO Act, 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 six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Nautan P.S. Case No. 180 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. Petitioner is directed to cooperate in the trial.

(Anjani Kumar Sharan, J)

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