

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.50888 of 2023**

Arising Out of PS. Case No.-22 Year-2018 Thana- BAKHTIYARPUR District- Patna

Ritesh Kumar @ Sunny Kumar S/O Sri Rajan Prasad @ Rajan Ram R/O  
Mohalla- Naya Tola, Sangat Par, P.S- Bakhtiyarpur, Post Office-  
Bakhtiyarpur, Distt.- Patna, Pin- 803212.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Rajiv Ranjan, Advocate

For the Opposite Party/s : Mr. Harendra Prasad, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE KHATIM REZA**  
**ORAL ORDER**

2      19-08-2023                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with  
Bakhtiyarpur P.S. Case No. 22 of 2018 dated 16.01.2018 (Spl.  
POCSO Case No. 10 of 2018) instituted for the offence  
punishable under Sections 341, 323, 354(D), 504 of the Indian  
Penal Code & Section 12 POCSO Act.

3. The prosecution case, in short, is that four days  
prior to the date of occurrence, when the informant along with  
her friends was returning to her home at 05.00 pm, the  
petitioner asked her mobile number. Upon protest, the  
petitioner abused her and threatened to assault. On date of  
occurrence, when the informant along with her sister were



returning to her house from coaching, the petitioner again asked her mobile number and assaulted her. Thereafter the petitioner along with his mother and aunty also assaulted the informant and her sister.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. Learned counsel for the petitioner submits that all sections of the allegation levelled against the petitioner are bailable except Section 354(D) of the Indian Penal Code and Section 12 of POCSO Act, which are not applicable to the petitioner due to false allegations. It is further submitted that the informant and the petitioner are residents of same locality and most of the houses in that locality belong to Ravidas caste people belonging to informant's caste. There is only one house of Kahar caste which belongs to the petitioner's family. Due to dominance of the Ravidas caste in that locality, informant's family and other people keep persecuting the petitioner and his family and asking them to leave their ancestral home so that they can occupy the petitioner's house. There is case and counter case between the parties. Learned counsel for the petitioner further submits that petitioner's sister has lodged an F.I.R Bakhtiyarpur P.S. Case No. 68 of 2018 dated 10.02.2018 under Section 341, 323,



354(A), 354(B), 385 & 34 of the Indian Penal Code against informant's father and his brother. Lastly, it has been submitted that petitioner has no criminal antecedent.

5. Learned A.P.P. has opposed the prayer for anticipatory bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Bakhtiyarpur P.S. Case No. 22 of 2018 (Spl. POCSO Case No. 10 of 2018), he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Court A.D.J.-VI cum Special Judge POCSO, Patna subject to condition as laid down under Section 438(2) of the Cr.P.C.

**(Khatim Reza, J)**

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