

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49402 of 2023

Arising Out of PS. Case No.-131 Year-2022 Thana- NAURANGIA District- West Champaran

Anirudh Ram S/o Sh. Sawaru Ram R/o Village- Madanpur, P.S- Naurangiya,
Distt.- West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-08-2023 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection
with Naurangiya P.S. Case No.131 of 2022 registered for the
offences punishable under Sections 341, 323, 354, 354-B, 307,
379, 504, 506 read with 34 of the Indian Penal Code and section
8 of the Protection of Children from Sexual Offences Act.

3. The accused/petitioner is named in the FIR and is
in custody since 27.04.2023.

4. Allegation against the petitioner is assault the
informant and other family members by using *lathi*, footwear
etc. and also tied *gamchcha* by neck of wife of the informant,
having intention to cause their death, where occurrence arises
out of outraging issue of minor daughter of informant aged
about 14 years.



5. It is submitted by learned counsel appearing on behalf of the petitioner that if the narration of FIR be taken into consideration, allegation of pressing neck by tying *gamchcha* is not available against this petitioner and, as such, the allegation under Section 307 of the Indian Penal Code is not appearing convincing against this petitioner. It is submitted that as far outraging issue is concerned, same also not appearing convincing on its face because it cannot be said that petitioner caught hold hand of minor daughter of informant with 'sexual intent' rather it appears that she claimed her as his daughter-in-law. While concluding argument, it is submitted that the petitioner is a man of clean antecedent and moreover investigation of this case is completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer for grant of bail to the petitioner.

7. In view of above-mentioned facts and circumstances, as sexual intent *prima facie* not appearing convincing against this petitioner as narration of FIR, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 27.04.2023, accordingly, the



petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, POCSO-cum-Additional District Judge-VII, West Champaran at Bettiah in connection with Naurangiya P.S. Case No.131 of 2022, subject to the conditions as laid down under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

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