

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51493 of 2022

Arising Out of PS. Case No.-102 Year-2022 Thana- BHARGAMA District- Araria

1. Rakesh Kumar Sah S/O Ashok Sah
2. Satyam Kumar S/O Dilip Sah both Resident of village- Jainagar, P.S.- Bhargama, District- Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Kumar Singh, Advocate
For the Opposite Party/s : Mr.Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-01-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in connection with Bhargama P.S. Case No.102 of 2022 instituted under Sections 341, 323, 324, 325, 379, 354B, 504, 506, 34 IPC, read with 3(1)(r)(s)(w)(i)(ii) of SC/St Act and 8/12 POCSO Act.

As per the prosecution story, the informant alleged that while his daughter was returning from tuition, she was encircled by the FIR named accused including the petitioners and they tried to outrage her modesty. The specific allegation against Satyam Kumar is of assaulting her by a rod causing injury in her mouth as also some broken tooth. Further allegation is of demand of 'rangdari' and trying to abduct her.

Learned counsel for the petitioners submit that it is a



false case, which would be evident from the FIR where it has been shown that 'rangdari' was also demanded. The matter is of simple scuffle which has been given a different colour.

Learned counsel for the informant submits that not only Satyam Kumar assaulted her, due to the threatening attitude of him, the girl has stopped going to the tuition center and is taking tuition at home itself.

Taking into account the specific against petitioner no.2 Satyam Kumar, this Court is not inclined to grant him relief and the prayer for his anticipatory bail stands rejected.

So far as Rakesh Kumar Sah (petitioner no.1) is concerned, he is aged 21 years, do not have criminal antecedent and has long way to go and it is high time that he mend his way, this Court is inclined to grant him relief of anticipatory bail.

Let the petitioner no.1, Rakesh Kumar Sah be released on bail, in the event of their arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Bhargama P.S. Case No.102 of 2022 to the satisfaction of learned Additional Sessions Judge, Vith, (Spl. POCSO), Araria, subject to the conditions as laid down under



Section 438(2) of the Cr.P.C. with following conditions:

(i) the petitioner no.1 shall be visiting the concerned police station for next one year every month;

(ii) the petitioner shall in no way try to induce or promise or threat the informant or his daughter, failing which the informant shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /-

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