

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54887 of 2023

Arising Out of PS. Case No.-288 Year-2021 Thana- JEHANABAD COMPLAINT CASE
District- Jehanabad

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BISHUN KUMAR @ VISHNU KUMAR S/O JAVAHAR YADAV @
JAWAHIR YADAV R/O VILLAGE- BERKA, P.S- MAKHDUMPUR,
DISTT.- JEHANABAD.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Pradhan, Adv.
For the Opposite Party/s : Mr. Jagdhar Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 30-08-2023 Heard Mr. Arvind Kumar Pradhan, learned counsel
for the petitioner and Mr. Jagdhar Prasad, learned Additional
Public Prosecutor for the State.

2. Petitioner apprehend his arrest in connection with
POCSO Case No. 63/2021 arising out of Complaint Case No.
288/2021 dated 30.06.2021 registered for the offence punishable
under Sections 114/ 147 /148/ 149/ 323/ 325/ 326/ 341/ 307/
380/ 354B/120(B) of the IPC, Section 8 of POCSO Act, Section
27 of the Arms Act and Section 3/4 of the Daain Act (Witchcraft
Act).

3. As per the complaint petition, while the
complainant had gone to attend nature's call, the petitioner
caught hold of her hand and misbehaved with her and upon
noise raised by the complainant, the petitioner fled away.



Thereafter, the complainant returned to her home and narrated the occurrence to her parents and when the parents of complainant went to the petitioner's house for making complaint, they were abused. It has further been alleged that the petitioner along with other accused persons arrived at the house of the complainant and started beating her father with *Lathi* and *Danda* and when she intervened in order to rescue her father, the petitioner outraged her modesty. Further, father of the petitioner assaulted the complainant on her head due to which she sustained head injury. The mother of the complainant was called witch and pushed down to the ground. It has also been alleged that the accused persons also took away ornaments, cash and other valuables worth of Rs. Two Lacs from the house of the complainant.

4. Learned counsel for the petitioner submits that the petitioner along with his family members have falsely been implicated in this case due to village politics. Learned counsel further submits that both the parties are neighbours and there used to be quarrel between them on trivial issues. It is also submitted that the allegation made in the complaint is entirely concocted and no injury report has been brought on record by the complainant whereas the complainant has stated that she



was assaulted by father of the petitioner and sustained head injury.

5. Regards being had to the submissions made by the parties, taking into consideration the fact that both the parties are neighbours, the complainant has not brought any injury report on record, I am inclined to grant anticipatory bail to the petitioner.

6. Accordingly, let the petitioner, named above, in the event of arrest or surrender within six weeks from today, be released on anticipatory bail, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jehanabad in connection with POCSO Case No. 63/2021 arising out of Complaint Case No. 288/2021, subject to the condition as laid down under Section 438(2) CrPC.

(Anil Kumar Sinha, J)

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