

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58154 of 2023

Arising Out of PS. Case No.-86 Year-2021 Thana- MAIN P.S. District- Gaya

PANKAJ KUMAR S/O MANOJ KUMAR R/O VILLAGE- TURI, P.S-
MAIN, DISTT.- GAYA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aryan Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 13-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
POCSO Case No. 91 of 2022 arising out of MAIN P.S. Case No.
86 of 2021 dated 01.11.2021, instituted for the offence
punishable under Sections 341, 354, 354(B) and 34 of the Indian
Penal Code and Section 8 of the Protection of Children from
Sexual Offences Act, but cognizance has been taken under
Section 354, 354(B) and 366(A) of the Indian Penal Code and
Section 8 of the POCSO Act.

3. The prosecution case in short, is that the informant
alleges that while she was going for her tuition and crossed
Budhiya river, she was intercepted by two persons on a
motorcycle, At that time, a Scorpio car also came, in which the



petitioner along with Anil Kumar were seated with arms. Further, Purusottam Kumar misbehaved with her and thereafter, Anil Kumar asked her to get seated on the motorcycle upon which an unknown person made her seated in the vehicle and accused misbehaved. On alarm, her family members came thereafter accused persons fled away.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that after investigation the I.O. submitted final form against the petitioner and so far other co-accused person are concerned, charge sheet has been submitted under Section 354(B) of the Indian Penal Code. It is further stated that learned Magistrate differed with the final form and took cognizance against the petitioner also and summon has been issued for his appearance. It is next submitted that the present F.I.R. was lodged due to political rivalry between the parties who were contesting for the election. It is further stated that similarly situated co-accused person namely, Anil Kumar has already been granted bail by a Co-ordinate Bench of this Court vide Order dated 01.08.2023 passed in Criminal Miscellaneous No. 12663 of 2023. Lastly, it has been submitted that the petitioner has four criminal cases against him.



5. Learned A.P.P. has opposed the prayer for 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 POCSO Case No. 91 of 2022 arising out of MAIN P.S. Case No. 86 of 2021, 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 Exclusive Special Judge- POCSO -cum- Additional District and Sessions Judge- VII, Gaya, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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