

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56790 of 2023

Arising Out of PS. Case No.-100 Year-2022 Thana- BARH District- Patna

1. Murari Kumar Son Of Amirak Paswan Resident Of Village Mankaura P.S Barh District Patna
2. Vikash Kumar Son of Ranjit Paswan R/o Mankaura, P.S. - Barh, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Uday Pratap Singh, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-08-2023 Heard Mr. Sanjay Kumar, learned counsel for the petitioners and learned APP for the State.

2. The Petitioners are apprehending their arrest in connection with Special Case No.17(A) of 2022 arising out of Barh P.S. Case No.100 of 2022, registered for the offences punishable under Sections 323, 341, 354(B), 379, 504, 506, 34 of the Indian Penal Code, Section 27 of the Arms Act and Section 8 of the Protection of Children from Sexual Offences.

3. Allegedly, while the victim/informant went to attend the call of nature, in the meantime, the petitioner along with others indecently misbehaved with her and when they tried to took her away, in the meanwhile her family members came



there and on the intervention made by them she saved herself. It is further alleged that in the meantime, other accused persons also came there and they resorted to firing and snatched the valuables.

4. Learned counsel appearing on behalf of the petitioners submits that from the narration of the FIR, it is evident that only an attempt to tease was made. Further, one of the accused persons, namely, Manish Kumar was put on trial in Special (POCSO) Case No.17 of 2022 and he has been acquitted from all the charges. He also submits that considering the nature of allegation and the fact that other co-accused person has been acquitted from the charges, other accused persons have also been allowed privilege of anticipatory bail by learned Co-ordinate Bench of this Court in Cr. Misc. No. 39907 of 2023, vide order dated 28.07.2023, the copy of which has been brought on record by way of Annexure-5. He next submits that the petitioner is a man of fair antecedent and he undertakes that he will fully cooperate in the trial or in the proceeding of the Court.

5. On the other hand learned APP for the State vehemently opposes the bail application.

6. Regard being had to the submissions made on



behalf of the parties and considering the nature of allegation and the fact that co-accused person having identical allegation has been put on trial and he has been acquitted from all the charges, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-VI-cum-Special Judge, POCSO, Patna, in connection with Special Case No.17(A) of 2022 arising out of Barh P.S. Case No.100 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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