

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60655 of 2023**

Arising Out of PS. Case No.-171 Year-2023 Thana- PAKARIBARAW District- Nawada

Md. Ejaj @ Md. Aijaj @ Aijaj Son of Md. Nijaj, Resident of Village Kaitha P
S Chandradeep District Jamui.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP.

**CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER**

2 11-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Pakri Barawan (Dhamaul) P.S. Case No.171 of 2023 dated 04.05.2023 instituted under Sections 341, 323, 354(B), 504, 506, 34 of the Indian Penal Code read with Section 12 of POCSO Act, 2012 & Section 67(A) of Information Technology Act.

3. As per the prosecution case, on the alleged date and time of the occurrence, while the informant was standing near her house, all the named accused persons including this petitioner and 4-5 unknown miscreants came there and surrounded informant and asked her to hand over her daughter and made some objectionable video clips. On protest, all the



accused persons assaulted the informant. It is further alleged that the accused persons entered into the house of the informant and assaulted the informant and her daughter with fists and slaps.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case at the instance of the informant due to her personal grudge with co-accused Md. Kaif. He further submits that petitioner is not concerned with the alleged occurrence. He also submits that though there is allegation of assault but there is no injury report on record in support of the same. Learned counsel submits that rest of the allegations are ornamental in nature and only to make the case grave. Moreover, F.I.R. has been lodged after inordinate delay of three days. Learned counsel further submits that criminal antecedent of petitioner is clean. He also submits that similarly situated co-accused person has been granted anticipatory bail by the Co-ordinate Bench of this Court vide order dated 19.09.2023 passed in Cr. Misc. No.49904 of 2023.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event



of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousands) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 6th-cum- Special Judge (POCSO) Nawada in connection with Pakri Barawan (Dhamaul) P.S. Case No.171 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J.)

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