

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64679 of 2023

Arising Out of PS. Case No.-120 Year-2023 Thana- NAWANAGAR District- Buxar

Chandan Kumar Son of Rajendra Singh Resident of Village- Manhatha, P.S-
Nawanagar, District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr. Gautam, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 17-10-2023 Heard Mr. Satyapal Singh, learned counsel appearing
on behalf of the petitioner and Dr. Mrityunjay Kumar Gautam,
learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Nawanagar P.S. Case No. 120 of 2023 registered for the
offences punishable under Sections 341, 323, 354(A), 354(B),
504 / 34 of the Indian Penal Code and Sections 8 and 12 of the
POCSO Act.

3. Allegedly, while the victim was indulged in
cooking food, in the meantime, petitioner entered into her house
and pulled her stole and further indecently behaved and caught
hold her hand. On protest being made, the petitioner fled away.
Further, when her mother went to the house of the petitioner in
order to make complaint, the petitioner and his mother abused



and assaulted and also snatched the valuables.

4. It is submitted on behalf of the petitioner that from the FIR it is evident that no case, much less under Sections 354(A) and 354(B) of the Indian Penal Code and Section 8 / 12 of the Protection of Children from Sexual Offences Act is made out, inasmuch as both the petitioner and the victim girl are cousin, who have been earlier residing under the same roof. That apart, there is some ongoing dispute pending between the parties. He next submits that even as per the FIR, no one has sustained any injury in the alleged occurrence. However, only in order to wreak vengeance, the present FIR has been instituted by making all sort of frivolous allegation. He lastly submits that the petitioner is aged about 20 years, having fair antecedent, and as such sending him behind the bar would jeopardize his career.

5. On the other hand, learned counsel for the State opposes the bail application and submits that the specific allegation of outraging the modesty of a woman has been alleged against the petitioner.

6. Regard being had to the submissions made on behalf of the parties and taking into consideration the relationship between the informant and the petitioner, coupled with the nature of allegation and fair antecedent of the



petitioner, let the petitioner, above named, be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge -VIth – cum-Speical Judge, POCSO Act, Buxar in connection with Nawanagar P.S. Case No. 120 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

saaurabhkr/-

U		T	
---	--	---	--

