

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68247 of 2022

Arising Out of PS. Case No.-325 Year-2021 Thana- SAHEBGANJ District- Muzaffarpur

MD. IMRAN @ MD.IBRAN S/o Akhtar @ Md. Akhtar R/o Village-
Nawanagar, Nizamat, P.S.- Shahebganj, Distt- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ramnath Choubey S/o Late Surendra Choubey R/o Village- Nawanagar,
Ward no. 13, P.S.- Shahebganj, Distt- Muzaffarpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Masoom Alam, Adv.

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 16-05-2023 Heard the learned counsel for the petitioner and the learned
A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Shahebganj P.S. Case No. 325 of 2021 registered for the offence punishable under Section 341, 342, 506, 354, 354(a)(b)(c), 34 of the Indian Penal Code and Section 4/12 of the POCSO Act.

The allegation is regarding the petitioner and one another person having used obscene language and molested the daughter of the informant on the alleged date and time of occurrence when she was returning to her house after attending coaching classes.



The learned counsel for the petitioner submits that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that the petitioner is a young person, aged about 18 years and has a bright career, hence, in case he is relegated to custody, it will jeopardise his career, thus, the case of the petitioner for grant of anticipatory bail be considered sympathetically. The learned counsel for the petitioner further submits that the co-accused person has already been granted bail.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner, taking into account the materials available on record as also considering the fact that similarly situated co-accused person has already been granted the privilege of regular bail by the Juvenile Justice Board and moreover, the allegation is only regarding using of obscene language and the petitioner having tried to molest the daughter of the informant when she was returning from her coaching class, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail while



granting liberty to the informant to approach this Court for cancellation of the bail of the petitioner in case the petitioner repeats the aforesaid incident.

Accordingly, the petitioner is directed to be enlarged on anticipatory 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, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge VII cum Spl. Court POCSO Act, Muzaffarpur in connection with Shahebganj P.S.Case No. 325 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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