

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67009 of 2022

Arising Out of PS. Case No.-272 Year-2022 Thana- DHANARUA District- Patna

Hira Kumar Son of Prakash Malakar @ Prakash Malakkar Resident of Village
- Mohmadpur, P.S.- Dhanarua, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabindra Prasad Singh, Advocate

For the Opposite Party/s : Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-05-2023 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing

on behalf of the State.

Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

The accused/petitioner is named in the F.I.R. and
apprehend his arrest in connection with Dhanarua P.S. Case No.
272 of 2022 registered for the offences punishable under
Sections 341, 323, 354-B, 504, 506/34 of the Indian Penal Code
(in short 'I.P.C.') and under Sections 08 and 10 of the POCSO
Act.

The allegation against this petitioner is to outrage the
modesty of informant aged about 17 years, while she went to
attend her school, as usual.



Learned counsel appearing on behalf of the petitioner submitted that out of neighbourhood disputes and differences the petitioner implicated falsely with present case. It is also submitted that petitioner is in litigating terms with informant. It is pointed out that as per face of F.I.R. it appears that this is not a case of physical contact and the maximum allegation is of teasing, therefore, implication under Section 08 of the POCSO Act is not appearing convincing on its face. It is also pointed out that the date of occurrence is specified as per F.I.R. i.e., on 30.05.2022, where it is maximum alleged by informant that petitioner used some wrong/unparliamentary words and it is not explained that same words were used with sexual intent. It is further submitted that other co-accused persons have already granted anticipatory bail by Court below itself. While concluding the argument it is submitted that petitioner is a man of clean antecedent.

Learned APP for the State opposes the prayer of bail.

Considering the aforesaid facts and circumstances and by taking note of nature of allegation, which is not appearing convincing, *prima facie*, as regard to sexual assault, let the above named petitioner, in the event of his arrest or surrender before the court below within a period of four weeks, is directed



to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge (POCSO), Patna/concerned Court, where the case is pending in connection with Dhanarua P.S. Case No. 272 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with the following condition:-

(i) The petitioner is directed not to involve in similar nature of offence till conclusion of trial or to disturb the informant in any manner.

(Chandra Shekhar Jha, J)

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