

Arising Out of PS. Case No.-20 Year-2016 Thana- MAHILA PS District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Jha, Advocate
Mrs. Meenakshi Priya, Advocate
For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 20-02-2024 Heard Mrs. Meenakshi Priya, learned counsel
appearing for the petitioner as also Mr. Rajesh Kumar Jha and
learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Mahila P.S. Case No. 20 of 2016 for the offence under Sections 341, 323, 354, 504, 506 and 34 of the I.P.C. and Section 8 of the POCSO Act, lodged on 28.04.2016.

3. As per the prosecution story, the informant alleged that while she was studying in her home, the petitioner came and tried to outrage her modesty. She anyhow came out and screamed. Whereafter, the family members went to the house of the petitioner, where they were abused. Accordingly, the FIR.

4. Learned counsel for the petitioner submit that both



are known to each other and only because of some confusion, the case has been lodged. Petitioner is also a student pursuing his study and FIR lodged, his future has already become bleak and he is ready to cooperate in the Investigation/trial.

5. Learned APP opposes the prayer stating that the allegation is of outraging her modesty.

6. Though there is an allegation against the petitioner, considering the submission that he is a student, FIR lodged ultimately he will be facing the trial, he do not have criminal antecedent, putting him in jail will not serve any purpose. In that background of the fact that he has undertaken to diligently cooperate in the investigation/trial, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge (POCSO) Act, Jehanabad, in connection with Mahila P.S. Case No. 20 of 2016 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

8. With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

Adnan/-

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