

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14275 of 2024

Arising Out of PS. Case No.-313 Year-2022 Thana- GOH District- Aurangabad

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1. Ashok Kumar S/o Vyas Mahto
 2. Ajay Kumar Son of Vyas Mahto
 3. Pintu Kumar Son of Late Jamuna Mahto
All Resident of village - Jalalpur, P.S.- Goh ,District- Aurangabad.
- Petitioner/s
- Versus
- The State of Bihar
- Opposite Party/s
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Appearance :

For the Petitioner/s : Mr.Anil Sinha, Advocate
For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 06-08-2024 Heard learned counsel for the petitioners as well as
learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 354B, 377, 511, 323, 504, 506, 368 and 365 of the IPC and Section 4 and 8 of the POCSO Act and Section 75 of the J.J.B. Act in connection with Goh P.S. Case No.313 of 2022.

3. The learned counsel for the petitioners submit that petitioners have antecedent of one case, but then the said case was also instituted by the side of the informant. It is next submitted that the instant FIR arises out of a complaint case.

4. It is next submitted that informant alleges that on 16.09.2022 at about 09:00 AM when her child cum victim had



gone to school but did not return, thereafter a search was made when the informant reached near the house of the Ashok Kumar and her child came out of the house of Ashok Kumar and started crying and complained that Ashok Kumar gave him guava and biscuits and locked him inside his house, on which the child got scared, after that Ashok Kumar opened the pant of the victim and also removed his pant, when victim started screaming loudly, thereafter Ashok Kumar left him and the victim ran out.

5. The learned counsel submits that petitioners are own brother of the husband of the informant and on account of dispute relating to property the present false case has been instituted. It is next submitted that it does not appear probable that if Ashok Kumar had any intention of acting inappropriately with the child then he would have allowed the child to flee from the place of occurrence on his mere screaming. It is next submitted that the brother of the informant through his wife got them implicated in such a heinous allegations.

6. The learned APP, Mr. Chandra Bhushan Prasad opposes the anticipatory bail application and submits that mother of a minor child has alleged that the Ashok Kumar being own uncle of the victim was trying to act inappropriately. It is also submitted that it does not appear probable that mother



would falsely implicate Ashok Kumar with such an allegation, on which the learned counsel appearing on behalf of the petitioners submits that since there is dispute relating to property, as such they have been implicated in the instant case, it is next submitted that allegation against petitioner no.2 and 3 are ornamental. It is also submitted that petitioners will not abscond rather will cooperate in the investigation and will prove their innocence.

7. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on anticipatory bail on their furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VIth-cum-Exclusive Special Judge, POCSO Act, Aurangabad in connection with Goh P.S. Case No.313 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

8. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that petitioners despite



giving assurance to this Court is not cooperating in the investigation or is not presenting himself as and when required, the learned trial court shall be at liberty to forthwith cancel the bail bonds of the petitioners.

9. It is further made clear that if the police after investigation submits charge sheet connecting Ashok Kumar with the offence, in that event, the present anticipatory bail order shall loose its effect in favour of Ashok Kumar only.

10. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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