

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24332 of 2024

Arising Out of PS. Case No.-381 Year-2023 Thana- MADANPUR District- Aurangabad

SUSHIL KUMAR S/O KAMLESH YADAV R/O VILLAGE- KHESHAR,
P.S- MADANPUR, DISTT.- AURANGABAD.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. NIRMA DEVI W/O NAKUL PASWAN R/O VILLAGE- KHESHAR, P.S-
MADANPUR, DISTT.- AURANGABAD.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Manindra Kishore Singh, Advocate
For the Opposite Party/s :	Mr. Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 26-04-2024 1. Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 294, 323, 354, 504 and 506 of the IPC Section 3(1)(r)(s)(w)(i)(ii) and 2(va) of SC/ST (POA) Act and Section 8 and 12 of the POCSO Act.

3. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant and from perusal of the allegation as alleged in the FIR, it would manifest that the same does not inspire confidence rather is cryptic and is vague. It is next submitted that though the informant alleges in the FIR that Shashi Kumar behaved



inappropriately with her daughter and used indecent language but then from perusal of the allegation as alleged in the FIR, it would manifest that the same does not even remotely suggest that as to what indecent language was used by the Shashi Kumar. It is next submitted that thereafter informant alleges that her sons had gone to meet Shashi Kumar seeking clarification that as to why he misbehaved with their sister, on which Shashi Kumar called the accused persons including the petitioner and thereafter they assaulted her sons and also abused by taking caste name. The learned counsel submits that even presuming what has been alleged is true without admitting then the occurrence did not take place in public view and the date of occurrence is 29.08.2023, but the FIR came to be instituted on 01.09.2023. It is also submitted that on 30.08.2023 there was an altercation in between the side of Shashi Kumar and the informant for which the mother of Shashi Kumar had approached the police station but when her FIR was not registered, she represented before the Superintendent of Police and thereafter instituted Complaint Case No. 925 of 2023 and since the present petitioner is related to Shashi as such, he has been implicated in the instant case.

4. The learned APP opposes the anticipatory bail



application.

5. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his 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 Madanpur P.S. Case No.381 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

6. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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