

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25616 of 2024

Arising Out of PS. Case No.-118 Year-2023 Thana- KESARIA District- East Champaran

Mintu Das, (Male), aged about 33 years, S/o- Bhagirath Das, R/o- Village-
Lala Chhapra Bairiya, PS- Kesariya, Distt- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Wasi Akhtar, Advocate

For the Opposite Party : Mr. Ashok Kumar Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 12-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Kesariya P.S. Case No. 118 of 2023 dated 09.03.2023 registered for the offences punishable under Sections 147, 341, 323, 325, 307, 354B, 379, 504, 506, 427, 149 of the I.P.C. and Section 8 of the POCSO Act.

3. As per the prosecution case, on 08.03.2023, on the eve of Holi festival, the petitioner alongwith 18 named and 21 unknown persons came to the darwaza of the informant. It is further alleged that Mintu Das (petitioner) grasped the informant's minor daughter and started touching her body indecently. The co-accused Subodh Kumar made her lay on the



ground, pulled her Sari and began to do illegal activities. The co-accused Ashok Kumar bit cheek of the informant's daughter. The co-accused Raju Das started pressing the front portion of the informant's upper part of the body. When Chandan Kumar, Raja Kumar and Santosh Kumar came to rescue, they were also assaulted by them. They also looted ornaments, clothes and cash of Rs. 40,000/- from the house of the informant. The villagers brought the injured to Kesariya Primary Health Centre for their treatment.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that from perusal of the F.I.R., itself, it is apparent that on the eve of Holi festival and in group, the petitioner and the co-accused persons had gone to the door of the informant to play *colour* and *Abir* which was objected by the informant and due to which, some scuffle took place between the parties. It is further submitted that during the course of some scuffle, some simple and superficial injury was caused to the informant and other persons. It is further submitted that as per the F.I.R., the petitioner is alleged to have gripped the informant's minor daughter with bad intention and except for this there is no specific allegation of assault is alleged



against any person. There is general and omnibus allegation against all the accused persons. The informant's daughter was examined by the Medical Board and the doctor has opined the age of the victim is 18-19 years, hence, no offence under the POCSO Act is made out against the petitioner. The alleged occurrence took place on 08.03.2023 and the F.I.R. has been lodged on 09.03.2023 for which no explanation has been given by the prosecution. The other co-accused person Shashikant Das @ Shashikant Kumar has been granted anticipatory bail by a Bench of this Court vide Cr. Misc. No. 72412 of 2023 under order dated 10.11.2023. The petitioner has three criminal antecedents in which he is on bail as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned 7th Additional Sessions Judge-cum-Special Judge, POCSO Act, East



Champaran at Motihari in connection with Kesariya P.S. Case No. 118 of 2023, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure with further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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