

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32679 of 2024

Arising Out of PS. Case No.-552 Year-2023 Thana- NAGAR District- Vaishali

Monu Kumar @ Monu Sharma Son of Shantosh Sharma @ Navin Kumar
Resident of Village- Hathsarganj Bintoli, P.S- Hajipur Town, Dist- Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sabal Kumar Jha, Advocate

For the Opposite Party/s : Mr.Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 28-06-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Hajipur Town P.S. Case No. 552 of 2023, registered for the alleged offences under Sections 341, 323, 324, 354/34 of the Indian Penal Code and Sections 8/12 of the POCSO Act.

03. As per prosecution case, the informant, a minor girl, named the petitioner and other co-accused persons, who used to make obscene talk on seeing her and on the date of occurrence, they tried to forcibly grab her with intention of kidnapping. On alarm being raised, a neighbour of the informant came for her rescue and the co-accused Deepak Kumar gave a knife blow to the informant which the neighbour Md. Masum



shielded from his hands and he received injuries.

04. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. The occurrence took place on 16.07.2023, but the FIR was lodged on 17.07.2023. There is no specific allegation against the petitioner and the allegations are mostly general and omnibus with other co-accused persons. The specific allegations are against the co-accused Deepak Kumar. The father of the petitioner run a juice shop near the shop of the informant's aunt and due to business rivalry, this false case has been lodged implicating the petitioner. There is no material to show that the petitioner has made obscene talk or he tried to molest the informant. Even brother of the petitioner has been implicated in this case which shows afterthought. The petitioner is having criminal antecedent of one case, in which, he is on bail.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that there is no specific allegation of either molestation or assault against the petitioner and further considering the vague nature of allegation coupled with possibility of false



implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of Court of learned Additional Sessions Judge VI-cum-Special Judge (POCSO), Vaishali at Hajipur, in connection with Hajipur Town P.S. Case No. 552 of 2023, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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