

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35322 of 2024

Arising Out of PS. Case No.-26 Year-2024 Thana- BELAGANJ District- Gaya

Chandan Sao Son of Late Birju Sao @ Birju Saw R/O Vill.- Saraiya, P.S.-
Belaganj, Dist.- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Aarti Kumari, D/o Sanjay Paswan, R/o Village-Saraiya, P.S.- Belaganj,
Dist.- Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aryan Singh, Advocate

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 31-07-2024 Heard Mr.Aryan Singh, learned counsel for the

petitioner, learned counsel for the informant and Mr.Bhanu

Pratap Singh, learned Additional Public Prosecutor for the

State.

2. The petitioner is apprehending his arrest in
connection with Belaganj P.S.Case No.26 of 2024,FIR
dated 13.01.2024 registered for the offences punishable
under Sections 457,354(b) of IPC and Sections 8 and 12 of
the POCSO Act.

3. Allegation against the petitioner is that he
entered into the room of the informant and started
misbehaving with her. When she woke up she saw the



petitioner and raised alarm and after that petitioner again crossed wall and fled away and in the meanwhile left his sleeper in the informant's home.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. Further submits that from a bare perusal of the FIR it appears that the date of occurrence as alleged in the FIR is 15.12.2023 but the present FIR has been instituted on 13.01.2024 after delay of almost a month and with intention only to falsely implicate the petitioner, the present false case has been instituted.

5. Learned counsel for the informant and learned A.P.P. for the State have vehemently opposed the prayer for anticipatory bail of the petitioner and submits that there is direct and specific allegation against the petitioner that he tried to molest the informant.

6. Considering the aforesaid facts, petitioner has clean antecedent and the present FIR has been instituted



after delay of almost a month from the date of occurrence, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Spl. Judge POCSO-cum-Additional District Judge-V, Gaya in connection with Belaganj P.S.Case No.26 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below



shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his/her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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