

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34911 of 2024

Arising Out of PS. Case No.-78 Year-2024 Thana- SAHAYAK NAGAR District- Katihar

Shailesh Kumar Son Of Shyamacharan Vidhyarthi R/O Village- Milkichak,
Jamalpur, P.S.- Naya Ramnagar, Dist-Munger

... .. Petitioner/s

Versus

1. The State of Bihar
2. Vaishnavi Daughter Of Shailesh Kumar R/O Village- Koshi Colony,
Hardyaganj, P.S.- Katihar Sahayak, Dist- Katihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar, Advocate Ms. Manisha Khushi, Advocate
For the Opposite Party/s	:	Mr. Chandra Sen Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 04-09-2024 Heard learned counsel for the petitioner and the State.

2. Petitioner apprehends arrest in a case registered for the offences punishable under Sections 341, 323, 307, 354(B), 504, 506 of the Indian Penal Code and Sections 7/8 of the Protection of Children from Sexual Offences Act.

3. As per prosecution case, on 8.2.24 at about 4 pm, while informant was in her house, this petitioner, who is father of informant, tried to break the door of house and one day before i.e., on 7.2.24, petitioner assaulted mother of informant and disconnected electric and water supply. It is further alleged that petitioner tried to outrage modesty of informant and on protest, she was brutally assaulted.



4. Learned counsel for the petitioner submits that petitioner is none other than own father of informant and present case has been lodged at the instance of the wife of petitioner who has already lodged cases under Section 498 A of the Indian Penal Code against the petitioner and under Section 13 of the Hindu Marriage Act for dissolution of marriage with the petitioner. He next submits that due to matrimonial discord with the mother of informant this false and concocted case has been lodged against the petitioner. By filing supplementary affidavit learned counsel for the petitioner submits that as per F.I.R., date and time of occurrence is 8.2.2024 at 4 PM but at the relevant time, petitioner was at his service place Salmari, in the district of Katihar, which is about 40 km away from the alleged place of occurrence and in this regard petitioner has also annexed Annexure-2 to the supplementary affidavit i.e., Letter No. 320 dated 04.05.2024, issued by Executive Engineer Flood Control Division, Salmari which contains the details from Bihar Biometric Attendance System and it clearly shows that petitioner was present in his office from 10:16 AM to 4:53 PM on 8.2.24 which itself falsifies the prosecution case. Petitioner claims clean antecedent.

5. Learned A.P.P. for the State vehemently opposed



the bail application.

6. Considering the aforesaid facts and circumstances of the case and clean antecedent, this anticipatory bail is allowed and it is ordered that let the above named petitioner in the event of his arrest/surrender before the court below within a period of eight weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-VI-Spl. Judge, POCSO, Katihar in connection with Town (Nagar) Sahayak P. S. Case No. 78 of 2024, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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