

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48830 of 2024

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

Niraj Kumar S/o Mahabi Mahto R/o Village-Bintoli Sachi Patti, Ward no. 10,
P.S.-Hajipur, Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sazia Parween D/o Siraj Ansari R/o Village-Mohamadpur Pojho, P.S.-
Goraul, District-Vaishali, Presently residing at Bagmali, Appartment is near
Police Station Nagar Hajipur, District-Vaishali.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Smita Kumari, Advocate
For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 05-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail 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. The 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 petitioner is a student and he also sells fish for his livelihood and his name was dragged in this case only because when he demanded his due money for supplying fish in the marriage ceremony of the cousin of the informant. There is no material to show that the petitioner has made obscene talk or he tried to molest the informant. The petitioner is in custody since 04.05.2024 and the charge sheet has been submitted.

05. Learned APP for the State opposes the submissions made on behalf of the petitioner.

06. Having regard to the submissions made hereinabove and considering the fact that there is no specific allegation of either molestation or assault against this petitioner



for which allegation is specific against the co-accused and further considering the submission of charge sheet along with period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) 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 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.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

Ashish/-

U		T	
---	--	---	--

