

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48343 of 2024

Arising Out of PS. Case No.-98 Year-2023 Thana- MANPUR District- Nalanda

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1. BARJESH KUMAR SON OF BHUSHAN RAM RESIDENT OF VIL-
LAGE - BELCHHI, SHARIF, P.S. - MANPUR, DISTRICT - NALANDA
 2. RAJESH KUMAR SON OF BHUSHAN RAM RESIDENT OF VILLAGE -
BELCHHI, SHARIF, P.S. - MANPUR, DISTRICT - NALANDA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. The State Of Bihar PATNA
2. NEHA KUMARI DAUGHTER OF ANIL RAM RESIDENT OF VILLAGE
- BELCHHI SHARIF, P.S. - MANPUR, DISTRICT - NALANDA

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bhola Prasad, Adv
For the Opposite Party/s	:	Ms. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 07-08-2024 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehend their arrest in connection
with Manpur P.S. Case No. 98 of 2023 for the offence registered
under sections 341, 342, 354(B), 323, 504, 34 of the Indian Pe-
nal Code and Section 8, 12 POCSO Act lodged on 04.06.2023
by the informant Neha Kumari.

3. As per the prosecution story, the informant alleged
that as she was going to attend the nature's call, the two brothers
tried to outrage her modesty and they escaped. When it was
complained to the family members, she was abused/assaulted



which followed the FIR.

4. Learned Counsel for the petitioners submit that both are brothers, students, have no role to play in the matter and only to implicate them, the FIR.

5. Further, irrespective of the outcome of the present case, the petitioners would like to do library service in the Kisan College, Sohsarai Bihar Sharif (Nalanda) for two months on every Saturday.

6. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that they tried to outrage the modesty of the girl.

7. Though there is allegation against the two petitioners, both are 19 years and 21 years of age, putting them in jail with the hardened criminal will actually affect their future, both do not have criminal antecedent and further, wants to do library service in the Kisan College Sohsarai, Bihar Sharif (Nalanda) as undertaken, this Court is inclined to extend them relief.

8. Both the petitioners shall be visiting the Library of the Kisan College, Sohsarai for one hour between 4 P.M. to 5 P.M. for two months and the Librarian will be providing the certificate at the end of two months period which will be submitted to the concerned Court after two months period comes to an



end.

9. Let the petitioners, named above in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, POCSO, Nalanda at Biharsharif in connection with Manpur P.S. Case No. 98 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for can-



cellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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