

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54534 of 2024

Arising Out of PS. Case No.-89 Year-2024 Thana- KURTHA District- Jehanabad

Prabhansh Kumar @ Prabhansh Mishra, Son of Late Jhulan Mishra R/O Vill.-
Sherpur, P.O.- Karpi, P.s.- Karpi, Dist.- Arwal, 804419

... .. Petitioner/s

Versus

The State Of Bihar and another

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivajee Singh

For the Opposite Party/s : Mr.Jitendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 19-09-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 341, 323, 325, 308, 504, 506 and 34 of the Indian
Penal Code and Sections 8 and 12 of the POCSO Act.

3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and the
informant alleges that his daughter on 06.03.2024 had gone to
attend the marriage of the daughter of Sitara Madam at 8.30
P.M. Further, petitioner, nephew of Sitara Madam, started
behaving inappropriately with his daughter, when the informant
objected, petitioner assaulted him by lock on his head. Further,
Alok also caught his hand, thereafter, again he was assaulted. It



is next alleged that when he complained to Sitara Madam and his son Sandeep, then the petitioner abused and threatened.

4. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case with an allegation that he was acting inappropriately with the daughter of the informant when they had come to attend the marriage ceremony of the daughter of Sitara Madam, aunt of the petitioner. It is submitted that the informant intended to get her daughter married with the petitioner and for that purpose, he was approaching his aunt that is Sitara, but since the daughter of the informant was a minor, as such, the family was not ready for the marriage, on which a dispute had arisen and the informant along with others had brutally assaulted the petitioner on 06.03.2024 for which Kurtha P. S. Case No.105 of 2024 dated 20.03.2024 has been registered. It is submitted that on account of brutal assault made by the informant and his men, the petitioner was unconscious and he was taken to P.H.C. Kurtha from where he was referred to P.M.C.H., Patna and his fard-bayan was recorded at P.M.C.H., Patna on 11.03.2024. It is also submitted that since the petitioner was assaulted brutally by the informant, as such, the instant F.I.R. was instituted with an allegation that petitioner acted inappropriately with his daughter



and when informant objected, the petitioner assaulted him by lock causing injury on head. The learned counsel for the petitioner in support of his contention that he was admitted in Kurtha P.H.C. and P.M.C.H., Patna relies on Annexures-2 and 3 to the anticipatory bail application. It is also submitted that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

5. Learned A.P.P. opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VI-cum-Special Judge (POCSO), Jehanabad in connection with Kurtha P. S. Case No.89 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. However, it is made clear that in the event, if any application is filed by the Investigating Officer before the



learned trial Court bringing to its notice that petitioner, despite giving assurance to this Court, is not cooperating in the investigation or is not presenting himself as and when required, the learned trial Court shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.

9. Let a copy of this order be sent to the concerned Police Station through the learned trial Court.

(Satyavrat Verma, J)

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