

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60002 of 2024

Arising Out of PS. Case No.-736 Year-2024 Thana- PHULWARISHARIF District- Patna

Dr. Niraj Sharma Son of Kamal Nayan Sharma R/O Vill.- Janipur Nagawan,
P.S.- Janipur, P.o.- Janipur, Dist.- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Simran Sinha Daughter of Ashwani Sinha R/O Vill.- Adhpa,P.O. and P.S.-
Janipur, Dist.- Patna, Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajiv Prashant, Advocate

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

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 20-11-2024 Heard learned counsel for the petitioner, learned A.P.P.
for the State and learned counsel for the informant.

2. The petitioner apprehends arrest in connection with
Pulwari (janipur) P.S. Case No. 736 of 2024 dated 24.05.2024
instituted for the offence punishable under Section 341, 323, 354,
504, 506/34 of the Indian Penal Code and 8/17 of POCSO Act.

3. The prosecution case, in short, is that on the issue of
washing clothes in the bathroom, the petitioner along with his
family members started abusing and assaulting the informant. It is
alleged that the petitioner caught her hair and threw her on the
ground and assaulted her by fists and slaps. It is also alleged that
the petitioner tried to outrage her modesty.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and he has been falsely implicated in this case. It is further submitted that the petitioner and the informant were the tenant of Deo Prasad Singh. The owner of the said house had taken Rs. 1,40,000/- as advance money from the petitioner in the year 2001. After the lapse of period, the land owner namely, Deo Prasad and his brother Sheo Prasad sold the land to one Geeta Sinha and Shailendra Singh in the year 2001 and 2003 respectively in which the petitioner and his family are living. The said Geeta Sinha is the grandmother of the informant. The said bathroom was constructed by the petitioner for their own use and since then the petitioner and their family members are using the said bathroom. Whenever the family of the said Deo Prasad came there to live for few days, they also use the same commonly. Learned counsel for the petitioner submits that there is inimical terms between the parties and three criminal cases have been filed against the petitioner by the informant and her family members which were amicably settled outside the court. The present case has been filed only for pressurizing the petitioner to vacate the said house. It is further submitted that during investigation, no offence under Section 3 of the POCSO Act has been found against the petitioner. The present case has been lodged against the petitioner as well as the minor son and daughter of the petitioner. Lastly, it has been submitted that petitioner has three criminal cases against him



which has been lodged by the family member of the informant, in which he is on bail.

5. On the other hand, learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Pulwari Sharif (Janipur) P.S. Case No. 736 of 2024, he will be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Court, POCSO, Patna, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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