

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66753 of 2024

Arising Out of PS. Case No.-312 Year-2024 Thana- BRAHMPUR District- Buxar

Mukesh Kumar @ Mukesh Kumar Yadav S/o Gupteshwar Yadav R/o vill -
Amthuaa, P.S. - Krishnabrahm, Distt. - Buxar

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Kajal Kumari D/o Sumar Yadav R/o vill - Amthuaa, P.S. - Krishnabrahm,
Distt. - Buxar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Gupta, Adv.

For the Opposite Party/s : Mr. Syed Mojibur Rahman, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 05-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Brahmpur (Krishnabram) P.S. Case No. 312 of 2024 registered for the alleged offences under Section 341, 323, 379, 354, 307, 504 and 506 of the Indian Penal Code and Section 8 and 12 of POCSO Act.

03. As per prosecution case, the informant alleged that the petitioner caught hold of her with bad intention and molested her and tore her clothes. Thereafter, he assaulted her with cricket bat and snatched a gold chain from the informant.

04. Learned counsel for the petitioner submits that the prosecution story is false and concocted. The petitioner and



informant are neighbours and some dispute over way is going on between the parties and for this reason the petitioner was falsely implicated in this case. The injury report of the informant show simple injury which is an abrasion on scalp of size 1cm x1cm. The story of informant is further not believable as the occurrence took place at 9:00 A.M. and in broad daylight the petitioner would indulge in such type of activity. The statement of the victim girl was recorded under Section 164 of the Code of Criminal Procedure and this fact has been mentioned in the rejection order wherein it has been stated that the petitioner abused the informant girl and when she forbade she was hit with wicket and slaps. There is no allegation of any sexual assault or molestation. For this reason, no offence under the provisions of POCSO Act is made out against the petitioner. The petitioner is having clean antecedent.

05. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioner. Learned A.P.P. submits that the informant is a minor girl aged about 15 years and allegation in the FIR about petitioner is of molesting her and assaulting her.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure as produced in the rejection order and



further considering the simple and superficial nature of injuries and also the possibility of false accusation, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of Court of learned Additional Sessions Judge-6th-cum-Special Judge, POCSO Act, Buxar in connection with Brahmpur (Krishnabram) P.S. Case No. 312 of 2024, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other 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, if so required by the learned trial court.

(Arun Kumar Jha, J)

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