

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72646 of 2023

Arising Out of PS. Case No.-334 Year-2023 Thana- ISLAMPUR District- Nalanda

Sunny Kumar, Male, aged about 20 years, S/O Asutosh Paswan, R/O Village-
Bardih, P.S.- Islampur, Dist- Nalanda.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Rajeev Kumar, Advocate
For the Opposite Party : Mr. Shyameshwar Dayal, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 13-02-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Islampur P.S. Case No. 334 of 2023 dated 27.06.2023 registered for the offences punishable under Sections 447, 323, 354B, 504, 506 of the I.P.C. and Sections 8/12 of the POCSO Act.

3. As per the prosecution case, the petitioner is alleged to have entered the house of the informant and tried to outrage her modesty. On protest, he assaulted her. When her grandmother, elder sister and other family member came to rescue her, he pushed and assaulted her grandmother and gave threatening to kill her.



4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case due to high handedness of police. It is submitted that all sections as alleged against the petitioner is not attracted in the present case except Section 354B is partially attracted. It is further submitted that the petitioner is a student and is preparing for G.N.M. Entrance Examination. It is further submitted that the alleged occurrence took place on 27.06.2023 and the F.I.R. was lodged on 01.07.2023 after a lapse of three days and for which the prosecution has not explained the delay in lodging the F.I.R. It is further submitted that the petitioner and the informant are the next door neighbours and there is a land dispute between them. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court concerned,



Nalanda at Bihar Sharif, in connection with Islampur P.S. Case
No. 334 of 2023, subject to the condition as laid down under
Section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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