

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72826 of 2024

Arising Out of PS. Case No.-233 Year-2024 Thana- ALAMNAGAR District- Madhepura

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UMESH MANDAL S/O- LATE BISHUNDEO MANDAL Village- Auradih
Ps- Alamnagar Dist- Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shambhu yadav Son of Late Ramanand Yadav Village- Auradih W.No-9, Ps-
Alamnagar Dist- Madhepura

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar

For the Opposite Party/s : Mr. Suman Kumari Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 12-11-2024 1. Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail,
arises out of Alamnagar Police Station Case No. 233 of 2024,
disclosing offences under Sections 354A, 504, 506, 34 of the
Indian Penal Code and Section 12 of the POCSO Act.

3. As per the prosecution story, on 11.06.2024, while
the minor daughter of the informant was cleaning utensils near
the hand pump, petitioner started abusing and threatening her
and made obscene gestures by showing part of the body.

4. Learned Counsel for the petitioner submits that
there is a land dispute between the parties and earlier also



Alamnagar P.S. Case No. 227 of 2022 was lodged by the wife of the informant against the petitioner under Section 341, 323, 497, 448, 379, 354(B), 504, 506, 34 of the Indian Penal Code. He further submits that while the petitioner was urinating behind the bushes on the disputed land, the opposite party instigated the petitioner and took photograph of the petitioner. Just prior to the date of occurrence on 08.06.2024, the petitioner received notice under Section 107 of Cr.P.C. in which informant is the second party. The petitioner is sixty six years old. The age of victim girl has been assessed by the Medical Board between eighteen years to twenty years as would be evident from Annexure P/2.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that there appears to be previous dispute between the parties and just prior to lodging of the FIR, notice under Section 107 Cr.P.C. was received by the petitioner in which informant is the second party, I am inclined to grant the petitioner privilege of anticipatory bail.

6. This application is, accordingly, allowed.

7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten



thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge-VI cum Special Judge, POCSO, Madhepura, in connection with Alamnagar Police Station Case No. 233 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

HarshPandey/-

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