

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80613 of 2023

Arising Out of PS. Case No.-161 Year-2023 Thana- RAJAPAKAR District- Vaishali

PREM CHANDRA KESARI @ MUNCHUN KESARI S/O LATE
RAGHUNATH SAH R/O VILLAGE- WARD NO. 3 BARATI,BIDUPUR,
PS. RAJA PAKAR (BARANTI O.P.),DIST.VAISHALI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Mishra

For the Opposite Party/s : Mr. Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 18-01-2024 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 Rajapakar (Baranti O.P.) Police Station Case No. 161 of 2023, dated 08.05.2023, disclosing offences punishable under Sections 323/341/354-B/379/325 of the Indian Penal Code and Section 8 of the Prevention of Children from Sexual Offences Act, 2012.
3. The prosecution case, as per the First Information Report, is that while the informant had gone to his house from the shop for having meal and his daughter was at the shop, at about 10:30 AM, the daughter of the informant raised alarm, upon which the informant came at his shop and



saw that the petitioner was misbehaving with his daughter. When the informant objected the petitioner, the petitioner assaulted the informant by means of iron rod on his leg, due to which the leg of the informant got fractured. The petitioner also snatched one golden chain from the neck of the informant.

4. Learned Counsel for the petitioner submits that both the parties are cousin and there is title suit pending between them since 2005, bearing Title Suit No. 344 of 2005, before the Sub-Judge 1, Vaishali, at Hajipur. He further submits that from perusal of the First Information Report, it would be evident that the informant has stated that on the date of occurrence, her daughter had gone to her school, namely, Gurukul Vidyapeeth, and the time of the said school, as disclosed by its management, is from 06:30 AM to 11:30 AM. As such, on the date of occurrence, the possibility of the daughter of the informant to be present at the shop at 10:30 AM, is not there. The First Information Report has been lodged based upon the concocted and fabricated story, due to the admitted land dispute. He next submits that a counter case is also there lodged by the petitioner for the occurrence



which took place on the same date and time.

5. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that both the parties are closely related, case and counter case is there between them and there is admitted land dispute between them, 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 a period of four weeks from today, 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 6th Additional Sessions Judge -cum- Special Judge, POCSO, Vaishali, at Hajipur, in connection with Rajapakar (Baranti O.P.) Police Station Case No. 161 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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