

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86014 of 2023

Arising Out of PS. Case No.-22 Year-2021 Thana- MAHILA P.S. District- Saran

-
1. Sunil Kumar Pandit Son Of Ram Bhajan Panit @ Ram Bhajan Prasad Pandit Resident Of Village- Naini, P.S.- Chapra Muffasil, P.S.- Chapra Muffasil, District - Saran
 2. Munna Kumar Pandit Son Of Ram Bhajan Pandit @ Ram Bhajan Prasad Pandit Resident Of Village - Naini, P.S.- Chapra Muffasil, P.S.- Chapra Muffasil, District - Saran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Priya Kumari Daughter Of Jai Prakash Pandit Resident Of Village- Naini, P.S.- Chapra Muffasil, P.S.- Chapra Muffasil, District - Saran Under The Guardianship Of Jai Prakash Pandit, Aged About 42 Years, Resident Of Village- Naini, P.S.- Chapra Muffasil, P.S.- Chapra Muffasil, District - Saran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghwendra Singh, Advocate
For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 18-01-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with
Complainant Pocso No. 14/22 arising out of Mahila Saran P.S.
Case No. 22 of 2021 dated 04.03.2021, instituted for the offence
punishable under Sections 341, 323, 504 of the Indian Penal
Code and Sections 8, 10, 12 of POCSO Act.

3. The prosecution case, in short, is that when the
informant was returning home after attending call of nature, the
accused persons caught her hand and dragged her to a
dilapidated house and tried to rape her. When the informant



raised voice, both the accused persons assaulted her. On hearing the sound, her parents and others came to save her. In the meantime, the accused persons fled away.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that both the petitioners are full brothers. It is further stated that initially on the written application of informant, the present case has been lodged under Sections 341, 323, 354(B), 504, 506 of the I.P.C. and Section 12 of POCSO Act but after investigation, the police has submitted final report as false against both the petitioners. Learned counsel further submitted that learned Court below after examining the final report accepted the same. The learned Court below proceeded on the Protest Petition which was filed on 29.07.2022 as Complaint Pocso 14/22 arising out of Mahila P.S. Case No. 22 of 2021 filed by the informant. The learned Court below after examining three inquiry witnesses took cognizance vide order dated 05.04.2023 under Sections 341, 323, 504 of the I.P.C. and Section 8, 10, 12 of the Pocso Act against the petitioners. It is further stated that before the learned Magistrate, the informant has stated in reply to the question that her mother had told her that Sunil Kumar Pandit and Munna Kumar Pandit are accused



persons. It appears that she has been forced to disclose the name of petitioners. It is further submitted that both the parties are agnates and are cousin uncle of the victim girl and due to land dispute this false case has been lodged against them. Lastly, it has been submitted that the petitioners have no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for 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 Complainant Pocso No. 14/22 arising out of Mahila Saran P.S. Case No. 22 of 2021, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge VI cum Special Judge, Pocso Act, Saran, Chapra, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

Sankalp/-

U		T	
---	--	---	--

