

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3337 of 2024

Arising Out of PS. Case No.-381 Year-2023 Thana- MADANPUR District- Aurangabad

Shashi Kumar S/O MADAN YADAV @ MADAN KUMAR VILLAGE-
KHESAR, PS. MADANPUR, DIST. AURANGABAD.

... .. Petitioner/s

Versus

1. The State of Bihar
2. NIRMA DEVI W/O NAKUL PASWAN VILLAGE- KHESAR, PS
MADANPUR, DIST. AURANGABAD.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar
For the Opposite Party/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-02-2024 1. Heard learned counsel for the petitioner and

learned Special P.P. for the State along with learned counsel for
the informant.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 147, 148,
149, 341, 294, 323, 504, 506 and 354 of the Indian Penal Code,
Sections 8 and 12 of the POCSO Act, 2012 and Section 3(1)(r)
(s)(W)(i)(ii) and Section 2(va) of the SC/ST Act.

3. Learned counsel for the petitioner submits that
from bare perusal of the allegation as alleged in the FIR, it
would manifest that the same does not inspire confidence rather
is cryptic and is vague. It is next submitted that though the



informant alleges in the FIR that the petitioner behaved inappropriately with her daughter and used indecent language but then from perusal of the allegation as alleged in the FIR, it would manifest that the same does not even remotely suggest that as to what indecent language was used by the petitioner. It is next submitted that thereafter informant alleges that her sons had gone to meet the petitioner seeking clarification that as to why he misbehaved with their sister, on which the petitioner called the accused persons as named in the FIR and thereafter they assaulted her sons and also abused by taking caste name.

4. The learned counsel for the petitioner next submits that it absolutely does not stand to reason that if so many accused persons would have assaulted the sons of the informant in that event at least some injury would have been caused but then there is no injury report on record. It is further submitted that the occurrence is alleged to have taken place on 29.08.2023 but the FIR came to be instituted on 01.09.2023. It is also submitted that on 30.08.2023 there was an altercation in between the side of the petitioner and the informant for which the mother of the petitioner had approached the police station but when her FIR was not registered, she represented before the Superintendent of Police and thereafter instituted Complaint



Case No. 925 of 2023. The learned counsel, thus, in sum and substance submits that the allegation does not inspire confidence as it does not even remotely suggest that what indecent words were used by the petitioner against the daughter of the informant nor there is any injury report nor the FIR even remotely suggest that the informant and her sons were abused in public view or the occurrence was witnessed by any public.

5. Learned Special P.P. for the State along with learned counsel for the informant opposes the prayer for anticipatory bail of the petitioner, but are not in a position to rebut the submission of the learned counsel for the petitioner that there is no injury report on record nor the FIR even remotely suggest that what indecent words were used by the petitioner against the daughter of the informant.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with POCSO GR Case



No. 115 of 2023 arising out of Madanpur P.S. Case No. 381 of
2023 subject to the conditions as laid down under Section 438
(2) of the Cr.P.C.

(Satyavrat Verma, J)

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