

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1411 of 2024

Arising Out of PS. Case No.-837 Year-2022 Thana- BARH District- Patna

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Ganesh Kumar @ Ganesh Tanti Son Of Dhaneshwar Tanti Resident Of
Mohalla- Govindpur, P.S.- Barh, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate
For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 31-01-2024 Heard Mr. Jay Ram Prasad, learned counsel

appearing on behalf of the petitioner and Mr. Mithilesh Kumar

Khare, learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection
with Spl. (POCSO) Case No.15 of 2023, arising out of Barh P.S.
Case No.837 of 2022 registered under Section 341, 504, 506,
354(B), 354(D), 34 of the Indian Penal Code and Section 8 and
12 of POCSO Act.

3. As per the allegation made in the FIR, the co-
accused Maghan Kumar used to harass the victim and the
allegation against the petitioner and the co-accused is that they
tried to forcefully take her with them.

4. Learned counsel appearing on behalf of the

petitioner submits that the specific allegation is against the co-accused Maghan Kumar, who has been granted bail by the Co-ordinate Bench of this Court vide order dated 04.08.2023 in Cr. Misc. No.38902 of 2023. The allegation against the petitioner is that he along with other co-accused persons were abusing and threatening the victim and they also tried to take her with them. Learned counsel submits that no such offence was committed by the petitioner and the petitioner being alleged neighbour of the informant and friend of the main accused Maghan Kumar, has falsely been implicated in this case. The petitioner has clean antecedent.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the rival submission made on behalf of the parties, as well as, the allegation made in the FIR, the Court below is directed to release the petitioner on anticipatory bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each, to the satisfaction of learned A.D.J.-VI-cum-Spl-Judge P.O.C.S.O., Patna in connection with Spl. (POCSO) Case No.15 of 2023, arising out of Barh P.S. Case No.837 of

2022, subject to the condition as laid down under Section 438(2)
of the Cr.P.C.

(Purnendu Singh, J.)

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