

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9790 of 2025

Arising Out of PS. Case No.-555 Year-2024 Thana- SAKRA District- Muzaffarpur

Mithu Kumar Son of Late Sigheshwar Matho Resident of Village- Basantpur
Bakhari, P.S.- Sakra, District - Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Komal Kumari Daughter of Sanjay Kumar Mahto Resident of Village-
Basantpur Bakhari, P.S.- Sakra, District - Muzaffarpur

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Sanjeev Kumar, Advocate
For the State	:	Mr. Tapeswar Sharma, APP
For Opposite Party No.2	:	Ms. Bela Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 22-03-2025 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 126(2), 74, 75, 76 and 64 of the B.N.S. and Sections 3 and 4 of the POCSO Act.

3. The prosecution case, in short, as alleged in the complaint petition, is that on 23.09.2024 at about 10 PM, while complainant was going to sleep after taking meal, in the meantime, this petitioner forcibly entered into her room and started to misbehave with her. Upon protest, he forcefully caught both her hands and started to kiss her also touched her body inappropriately.



4. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner is quite innocent and has committed no offence. As a matter of fact, petitioner is own step uncle of the complainant and he had purchased a piece of land appertaining to Khata No., 172, Plot No. 159, 162 and 164 measuring area 7 decimal in Muzaffarpur in name of his wife and father of the complainant/Opposite Party No. 2 wanted share in the aforesaid land and when the same was refused by the petitioner, this false and fabricated case has been lodged. It is further submitted that the complaint petition has been filed after inordinate delay of 8 days and there is no plausible explanation for the same. Petitioner is a government employee and claims clean antecedents.

5. On the other hand, learned A.P.P. for the State and learned counsel appearing on behalf of the complainant/Opposite Party No. 2 have vehemently opposed the prayer for grant of anticipatory bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, delay in lodging of the complaint petition and clean antecedents of the petitioner, the prayer for grant of anticipatory bail to the petitioner is allowed.

7. Accordingly, in the event of arrest/surrender within



a period of eight weeks from today, let the above named petitioner be enlarged 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 Special Judge, POCSO-1, Muzaffarpur in connection with Sakra P.S. Case No. 555 of 2024, subject to condition as laid down under Section 482(2) of the B.N.S.S..

(Prabhat Kumar Singh, J)

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