

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14586 of 2025

Arising Out of PS. Case No.-268 Year-2024 Thana- BARHARA District- Bhojpur

Shyam Babu Ram @ Shyam Babu Kumar Ram S/O Ram Kewal Ram R/O
Hajipur, P.S - Barhara, Distt.- Bhojpur (Ara).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rajkumar Ram S/O Hari Pratap Ram R/O Hajipur, P.S- Barhara, Distt.-
Bhojpur (Ara).

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate
For the Opposite Party/s : Mr. Md. Nazir Ansari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 02-04-2025 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 70(2),
351(2) and 352 of the Indian Penal Code and Sections 4 and 6
of the POCSO Act.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and has been falsely
implicated in the instant case by the informant with an
allegation that petitioner along with Raj on 12.09.2024 at 12:00
in the midnight came to the house of the informant via terrace
and acted inappropriately with his minor daughter aged about 14
years. Further, the petitioner caught the victim and Raj



committed wrong with her. Further, the victim came down stairs and disclosed about the occurrence, accordingly, the informant went to the house of the accused persons where he was abused and threatened not to institute a case. It is alleged that earlier also the petitioner had committed wrong with the victim and had threatened not to institute a case.

4. Learned counsel for the petitioner submits that petitioner and the informant are neighbours and their terrace is adjacent to each other. It is further submitted that they are having dispute relating to land and the father of the petitioner has also filed a representation dated 01.11.2024 (Annexure-P/2) before the Dy.SP to hold a fair investigation. It is next submitted that victim is not a minor rather is a major as such POCSO Act will not attract. It is also submitted that it absolutely does not stand to reason that if the petitioner had earlier committed any wrong with the victim then why no FIR came to be instituted. It is next submitted that had the petitioner committed wrong earlier with the victim in that event a case would have been instituted, as such, the allegation does not inspire confidence and the allegation is general and omnibus in nature. It is further submitted that even the injury report of the victim does not disclose any sign of rape or physical assault as specifically



pleaded at para 16 of the anticipatory bail application. It is next submitted that since petitioner is neighbour of the informant as such he came to be implicated on account of dispute relating to land. It is also submitted that petitioner will not abscond rather will cooperate in the investigation to prove his innocence. It is submitted that petitioner is a young boy aged about 20 years and if he is sent to judicial custody in the nature of allegation as alleged in the FIR then his entire career would get jeopardized and chances are bright that he may come in contact with the hardened criminals.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty-five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Barhara P.S. Case No. 268 of 2024, subject to the conditions as laid down under Section 482(2) of the BNSS.



7. One of the bailors of the petitioner shall be his father, namely, Ram Kewal Ram.

8. However, if the investigating officer of the case files an application before the learned trial court bringing to its notice that the petitioner despite giving assurance to this Court is not cooperating in the investigation, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

9. Let a copy of this order be sent to the concerned police station through the learned trial court.

(Satyavrat Verma, J)

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