

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22604 of 2025

Arising Out of PS. Case No.-1044 Year-2024 Thana- SASARAM NAGAR District- Rohtas

Bittu Pathak @ Amit Pathak Son of Sanjay Pathak Resident of Mohalla - Saket Nagar, P.S. - Sasaram (Town), District - Rohtas, Permanent Address - Resident of Village - Usina, Gori, P.S. - Kargahar, District - Rohtas

... .. Petitioner

Versus

1. The State of Bihar
2. Sunil Kumar Choubey Son of Sri Ram Chaubey Resident of Mohalla - Saket Nagar, P.S. - Sasaram (Town), District - Rohtas

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Babu Nandan Prasad, Advocate

For the Opposite Party/s : Mr.Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 01-05-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with Sasaram (Town) P.S. Case No. 1044 of 2024 registered for the offences punishable under Sections 126(2), 115(2), 76, 352, 351(2)/3(5) of the Bhartiya Nyay Sanhita, 2023 (in short 'B.N.S.').

3. The allegation against the petitioner is to assault the informant and his wife on 28.12.2024 for occurrence dated 27.12.2024, on the day when petitioner alleged to outrage the modesty of minor daughter of the informant aged about 15 years.

4. Learned counsel appearing on behalf of the petitioner submitted that the present occurrence took place out of



neighbourhood dispute and differences, where both parties received injuries including minor daughter of the informant.

5. It is submitted that the assault, as alleged to be caused upon minor daughter of the informant by this petitioner, not appears with sexual intent which is the main ingredient to attract the offence under section 8 of the POCSO Act.

6. It is submitted that there is no injury report available for minor daughter of the informant, which makes the entire allegation false on its face. It is further pointed out that even the injury of informant, upon medical examination, found very general in nature i.e. headache and pain in head. It is further submitted that for same set of occurrence petitioner has also lodged a case against informant, which is registered as Sasaram (Town) P.S. Case No. 1048/2024 dated 31.12.2024.

7. While Concluding argument, it is submitted by learned counsel that differences surfaced between the parties now appears settled, out of that they compromised their dispute and differences, and in this regard a petition was preferred before the Special POCSO Court, where the matter is pending for further adjudication.

8. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.



9. In view of the aforesaid factual submissions and by taking note of the nature of accusation and also nature of injuries, where petitioner said to be a man of clean antecedent, above-named petitioner, in the event of his arrest/surrender within a period of four weeks from this order, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned District and Additional Sessions Judge-VI, Exclusive Special Court, POCSO, Rohtas at Sasaram, in connection with Sasaram (Town) P.S. Case No. 1044 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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