

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31812 of 2025

Arising Out of PS. Case No.-55 Year-2019 Thana- MAHILA PS District- Aurangabad

Pintu Kumar Son of Sri Kusum Mehta @ Krishna singh Village- Habaspur,
Ps- Haspura, Dist- Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. Annu Kumari Daughter of Kamlesh Prasad Village- Habaspur, Ps- Haspura,
Dist- Aurangabad

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bindeshwar Prasad Singh, Advocate

For the Opposite Party/s : Mr. Surendra Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 14-08-2025 Heard learned counsel for the petitioner and learned
APP for the State. No one appears on behalf of opposite party
no.2, despite valid service of notice.

2. The petitioner apprehends his arrest for the offences
punishable under Sections 376, 341, 323, 3.79, 511, 504 and 34
of the Indian Penal Code and Section 8 of the POCSO Act.

3. The allegation in the F.I.R, arising out of a
complaint filed by the victim herself, is that while she was in
her room, the petitioner entered, molested her and also tried to
outrage her modesty.

4. Learned counsel for the petitioner submits that
petitioner has been falsely implicated in the case. The



occurrence took place on 01.11.2018 and the complaint was filed on 18.01.2019 i.e. after a lapse of substantial delay, for which no explanation has been tendered. As a matter of fact, both the parties are *gotiyas* and there was a dispute between the parties with regard to drainage. Learned counsel for the petitioner further submits that charge-sheet has been submitted in the case against the petitioner under Section 341, 323, 504 and 34 of the Indian Penal Code, which are bailable sections, however, cognizance has been taken by the learned Magistrate additionally under Section 8 of the POCSO Act. It appears that statement of victim has not been recorded under Section 164 Cr.P.C. and the petitioner has been granted privilege of Section 41 A of the Cr.P.C. as there is no material to show that he ever misused the said privilege. The petitioner has no criminal antecedent and undertakes to co-operate in the investigation of the case/trial.

5. Learned APP for the State opposes the application for grant of anticipatory bail.

6. Taking into consideration the fact that the Investigating Agency had submitted charge-sheet under the bailable sections and the petitioner also never misused the privilege of Section 41 A of the Cr.P.C., let the above named



petitioner, be released on 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/- (Rupees Ten 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 Mahila P.S. Case No. 55 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C./Section 482 (2) of the B.N.S.S.

(Soni Shrivastava, J)

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