

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44487 of 2025

Arising Out of PS. Case No.-108 Year-2024 Thana- ANTICHAK District- Bhagalpur

1. Mouli Singh @ Maulu Singh S/o Garbhu Mandal R/o Vill- Dayalpur, Ward No. 15, P.S.- Antichak, Distt- Bhagalpur (Bihar) 813203
2. Amit Kumar Singh @ Amit Mandal S/o Mouli Singh @ Maulu Singh R/o Vill- Dayalpur, Ward No. 15, P.S.- Antichak, Distt- Bhagalpur (Bihar) 813203
3. Chhotu @ Chhotu Kumar @ Ankit Kumar S/o Mauli Singh @ Maulu Singh R/o Vill- Dayalpur, Ward No. 15, P.S.- Antichak, Distt- Bhagalpur (Bihar) 813203

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bindu Devi W/o Pinku Yadav R/o Vill- Dayalpur, P.S.- Antichak, Post-Sangitbaita, Dayalpur, Distt- Bhagalpur (Bihar) 813203

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rahul Kumar Singh, Advocate
For the Opposite Party/s	:	Mr.Rajesh Kumar, APP
For the Informant	:	Ms. Anamika Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 16-10-2025 Heard learned counsel for the petitioners, the State and the informant.

2. The petitioners are apprehending arrest in connection with Antichak P.S. Case No. 108 of 2024 instituted under Sections 127(1), 115(2), 352, 351(2), 76, 3(5) of the Bhartiya Nayay Sanhita, 2023 and section 8 of POCSO Act lodged on 03.09.2024 by the informant, Bindu Devi.

3. As per the prosecution story, the informant alleged that the accused persons caught hold of her and tried to outrage



her modesty. She returned and narrated the entire ordeal to her family members. This happened on 03.08.2024. Finally, the FIR was lodged.

4. The case of the petitioners is/are that as per the FIR itself, the incident took place on 03.08.2024, she narrated the happenings on the same day to the parents, ironically, the FIR came to be lodged a month later on 03.09.2024. In between, they lodged FIR alleging assault by the informant's side on 28.08.2024 (Annexure-2 to the petition).

5. In this case, notices were issued and pursuant thereto, the informant has appeared.

6. Learned counsel for the petitioners submit that the Police failed to lodge the FIR, whereafter, they moved before the Bihar Public Grievance Redressal Forum on 29.08.2024 and only thereafter, the FIR was lodged on 03.09.2024.

7. Upon query, there is no information on the development that took place between 03.08.2024 to 29.08.2024.

8. These petitioners have no criminal antecedent, one of them is 65 years old, FIR has been lodged from both sides, they shall be facing the music, in the aforesaid background, this Court is inclined to extend them the privilege of anticipatory bail.



7. Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Antichak P.S. Case No. 108 of 2024 to the satisfaction of learned Exclusive Special Court (POCSO) cum District & Additional Sessions Judge-VII, Bhagalpur subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall co-operate in the investigation and make themselves available to the police as and when required;

(iv) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;



(v) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

8. Nothing observed in the present order, shall be taken into consideration at any point of time as the same has been incorporated only for the grant of anticipatory bail.

(Rajiv Roy, J)

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