

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73403 of 2024

Arising Out of PS. Case No.-197 Year-2024 Thana- KOCHAS District- Rohtas

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Shubham Choubey @ Shubham Chaubey Son of Ashok Choubey Resident of
village- Chhitandihara, P.S.- Kochas, District- Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar
2. X Son of Sri Bikrama Tiwary Resident of Village- Chhitan Dihra, P.S.-
Kochas, P.O.- Laheri, Distt.-Rohtas

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Surendra Kumar Choubey, Advocate

For the Opposite Party/s : Mrs.Anita Kumari, APP

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 05-05-2025 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Kochas P.S. Case no.197 of 2024 registered under section
76 of the B.N.S, 2023.

3. The allegations in the F.I.R is that on 08.07.2024 at
about 7:30 p.m. while the daughters of the informant aged about
16 and 18 years went out to ease themselves, the petitioner
caught hold of the younger daughter and started teasing her by
grabbing her. It is further alleged that a co-villager, namely,
Rubi Devi arrived at the place of occurrence and upon seeing
her the petitioner ran away.



4. Learned counsel for the petitioner submits that the petitioner has been framed unnecessarily in this case as a result of a minor quarrel which had occurred previously between the petitioner and the husband of Rubi Devi and it is at her instance that the present case has been lodged. Learned counsel for the petitioner further submits that even during course of investigation, the second daughter of the informant has not clearly supported the case, inasmuch as she states that she came to know about the occurrence once she came to the house. The statement of the victim girl was also recorded under Section 183 of the B.N.S.S, 2023 and a perusal of the same would go to show that while the two sisters were going for attending the call of nature, her elder sister had gone a little ahead and in the meantime, the petitioner had caught hold of the victim. It is further submitted on behalf of the petitioner that even considering the said statement it would appear that the victim is aged about 17 years while the petitioner is a 19 years old boy who is studying in intermediate and it may be a case of mere youthful aberration or indiscretion which has been converted into a serious allegation. Learned counsel for the petitioner submits that petitioner and the victim are neighbours and he is known to her. The petitioner has no criminal antecedent and



undertakes to cooperate in the case/trial.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State.

6. Taking into consideration the above mentioned facts and circumstances of the case as also the petitioner is a young student having no criminal antecedent, it is directed that the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Kochas P.S. Case no.197 of 2024 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 Addl. District & Sessions Judge-VI-cum-Exclusive Special Court, POCSO, Rohtas at Sasaram, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the B.N.S.S, 2023.

(Soni Shrivastava, J)

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