

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77346 of 2024

Arising Out of PS. Case No.-204 Year-2024 Thana- NATHNAGAR District- Bhagalpur

Pawan Mandal @ Pawan Kumar Son of Kare Mandal Resident of Satsang nagar PS -Mirzapur, PS -Nathnagar, District -Bhagalpur

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. XXXXXXXXX C/O Late Jagdish Mandal Resident of Satsang nagar PS -Mirzapur, PS -Nathnagar, District -Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Praveen Kumar Agrawal, Adv
For the State		Mr.Umesh Lal Verma, APP
For the Informant		Ms. Renu Kumari, Adv

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 11-04-2025 Heard learned counsel for the petitioner, counsel for the Informant and the State.

2. Petitioner apprehends his arrest in connection with Nathnagar Case No. 204 of 2024, POCSO Case no.89 of 2024 registered for the offences punishable under Sections 274, 275 3(5) of BNS and section 354 of the Indian Penal Code and section 8 of the POCSO Act.

3. It appears from the FIR, itself that the daughter of the informant, who is about 11 years of age was playing outside under the mango tree while this petitioner allured his daughter and took her towards the Ganga river and started teasing his daughter, whereupon, the daughter pushed him and ran away



from there.

4. Learned counsel for the petitioner submits that the petitioner has not indulged in any such act with the daughter of the informant and he has been falsely implicated in the present case. He draws the attention of this Court to a counter case being Nathnagar P.S. Case 208 of 2024 lodged on 05.05.2024 by wife of the present petitioner stating therein that on 30.04.2024 while the petitioner was watering his fields, the informant and his family had assaulted him on account of dispute with regard to *Batai* of the field. He further states that upon receiving injuries, the petitioner was also taken for treatment and the discharge summary of the petitioner is annexed as Annexure-3 to the petition.

5. The learned APP for the State and the counsel for the informant oppose the anticipatory bail and point towards the statement of the victim girl recorded under section 164 and 161 of the Cr.P.C. The victim girl stated in her statement that it was this petitioner, who had allured her and taken her alone towards the river and had tried to remove the clothes of the victim girl upon which she shouted and fled away.

6. Considering that the victim girl is minor and the provisions of POCSO Act came into play on account of the fact



that the victim girl has supported her statement both in the 164 and 161 of the Cr.P.C, I am not inclined to accede to the prayer of anticipatory bail to the petitioner and accordingly, his prayer for anticipatory bail in connection with Nathnagar P.S.Case No. 204 of 2024, pending in the court of learned Exclusive Special Judge, POCSO / Additional Sessions Judge-VI, Bhagalpur, stands rejected.

7. However, if the petitioner surrenders before the court below and prays for regular bail, the same shall be considered on its own merit without being prejudiced by the present order.

(Soni Shrivastava, J)

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