

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80713 of 2024

Arising Out of PS. Case No.-43 Year-2024 Thana- MAHILA PS District- Buxar

Mantu Dubey Son of Madan Dubey Resident Of Village- Mahuari, PO-
Chunnu, PS- Buxar(M), Distt.- Buxar

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Kajal Sharma D/o- Aditya Narayan Sharma Resident of Mahuary PO-
Chunni PS-Buxar (M) District- Buxar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shankar Dayal Singh, Adv.
For the State	:	Mr. Jagdhar Prasad, APP
For the O.P. No. 2	:	Mr. Ravi Shankar Pathak, Adv.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 12-08-2025 Heard learned counsel for the petitioner, learned
counsel for the O.P. No. 2 and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Buxar (M) P.S. Case No. 43 of 2024, registered for the offences punishable under Sections 341, 323, 354(A), 354(B), 354(C), 354(D), 506, 509/34 of the I.P.C. and Section 8 of the POCSO Act.

3. The allegation made in the F.I.R. by the informant herself, who states her age to be 17 years, is that the petitioner along with two others indulged in some vulgar comments and a reference has been made to an incident, which took place on 15.05.2024.



4. The learned counsel appearing on behalf of the petitioner submits that upon perusal of the F.I.R. itself, it would be clear that the allegations made against the petitioner have been made in a general fashion and a reference has been made to an incident of 21.06.2024 when she was pulled by the petitioner and others and was left upon arrival of her brother which fact does not stand supported by the statement made by the victim girl under Section 164 of the Cr.P.C., wherein, she has stated clearly that an incident of pulling her happened 2 to 3 months back. It has also been submitted that in the F.I.R., an allegation was made only upon the present petitioner and another with regard to teasing her, whereas, in her statement under Section 164, she has made an allegation against two other persons. It has also been submitted that during the course of investigation number of witnesses have been examined and a perusal of their statements would show that actually on 21.06.2024, a dispute had taken place between the father of the informant and the accused persons with regard to some payment to be made in lieu of the purchase of milk and hence, no such incident as alleged by the informant has been supported by any independent witness. Further, the medical report also shows that the victim has refused her internal examination whereas her age



has shown to be between 16 to 17 years.

5. Learned counsel appearing for the Opposite Party No. 2, however, strongly opposes the grant of anticipatory bail on the ground that the allegations made in the F.I.R. have been supported by the informant/victim in her statement under Section 164 Cr.P.C.

6. Taking the rival contentions into consideration and considering the entire facts and circumstances including the statement of the informant/victim under Section 164 Cr.P.C. wherein a general allegation of teasing has been made with no allegation whatsoever of any sexual assault, let the petitioner, above named, having no criminal antecedent, in the even of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District Judge-VI-cum-Special Judge, POCSO Act, Buxar, in connection with Buxar (M) P.S. Case No. 43 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of the B.N.S.S., 2023. Subject to the further condition that: -

- i) The petitioner shall co-operate in the process of



investigation and would appear before the Investigating Officer as and when required.

ii) The petitioner would not disturb the informant in any manner and in case there is any substantive or concrete material to indicate that the petitioner has caused any kind of threat or has indulged in any objectionable activity with the informant/victim, she would have the liberty to approach the learned Court below for cancellation of bail bonds of the petitioner.

(Soni Shrivastava, J.)

Jyoti Kumari/-

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