

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80090 of 2024

Arising Out of PS. Case No.-156 Year-2024 Thana- SANDESH District- Bhojpur

Rohit Kumar Son of Bindeshwar Choudhary Resident of Village- Repura,
P.S.- Sandesh, District- Bhojpur, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rajdeo Choudhary Son of Jhopa Choudhary Village-Repura, P.S.-Sandesh,
District-Bhojpur, Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dharmesh Kumar Shrivastava, Advocate
For the State	:	Mr. Narsingh Tanti, APP
For the Informant	:	Mr. Saurabh Kumar, Adv. Mrs. Swarnima, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 09-04-2025 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. The petitioner is apprehending arrest in connection with Sandesh P.S. Case No. 156 of 2024, registered on 05.06.2024, for the offences punishable under Sections 341, 323, 307, 504, 506 & 34 of the Indian Penal Code and under Section 12 of the POCSO Act.

3. As per the prosecution, an FIR has been lodged against seven named accused persons, including the present petitioner. The specific allegation against the present petitioner is that he reacted with vulgarity (बदतमीजी) with the maternal granddaughter of the informant. When the informant intervened,



the other accused persons attacked and assaulted him

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel further submits that the criminal antecedents of the petitioner are clean, and Section 11 of the POCSO Act is not attracted in this case, as the ingredient of Section 11 is not present. Counsel also points out that there is a previous enmity between the informant's side and the petitioner's side, which has already led to the filing of a case and counter-case. The informant's side has lodged Sandesh P.S. Case No. 87 of 2024, while the petitioner's side has lodged Sandesh P.S. Case No. 88 of 2024. It is alleged that the present case has been filed with the intention of putting pressure on the petitioner's side. Counsel further submits that the petitioner is ready to fulfill any conditions imposed upon him. Moreover, counsel submits that the petitioner is only 20 years old, a student, and that his entire career would be jeopardized if bail is not granted.

5. Learned counsel for the informant, who appeared upon notice, vehemently opposes the prayer for bail and submits that the ingredient of Section 11 of the POCSO Act is present in the present case, as the alleged vulgarity (बदतमीजी) was committed by the petitioner against a child aged about eight (08)



years. Therefore, this plea is not available to the petitioner that Section 11 of the POCSO Act is not applicable in this case.

6. Learned APP for the State also opposes the prayer for bail and submits that at this stage, the applicability of the POCSO Act may not be decided, as it shall always be subject to the evidence. However, he admits that there is a case and counter-case.

7. In the present facts and circumstances, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of VIth Additional Sessions Judge- cum- Special Court, POCSO, Bhojpur at Ara, in connection with Sandesh P.S. Case No. 156 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dr. Anshuman, J.)

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