

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79954 of 2024

Arising Out of PS. Case No.-114 Year-2024 Thana- SIKRAUL District- Buxar

Manjit Kumar Upadhya @ Jhablu Upadhyay, S/O Awadhesh Kumar Upadhyay Resident of Village- Renka, PS.- Sikrol, District- Buxar

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. XX Kumari (Minor) D/o YY, Resident of Village- Renka, PS.- Sikrol, District- Buxar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anand Kumar Ojha, Adv.
For the Informant	:	Mr. Arvind Kumar Pradhan, Adv
For the State	:	Mr. Binod Kumar No.3, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 22-03-2025 1. Heard Mr. Anand Kumar Ojha, learned counsel for the petitioner, Mr. Arvind Kumar Pradhan, learned counsel for the informant and Mr. Binod Kumar No.3, learned APP for the State.

2. Petitioner apprehends his arrest in connection with Sikrol P.S. Case No. 114 of 2024 dated 07.09.2024 registered for the offences punishable under Sections 126(2), 115(2), 110, 76, 78, 352 and 351(2) read with Section 3(5) of the B.N.S., 2023 and Sections 8 and 12 of POCSO Act.

3. As per the prosecution story, informant, a minor, stated that on 05.09.2024 on the way to a nearby shop she was stopped by the petitioner, who used filthy language with her and demanded for her phone number. On receiving information of



the said incident, the informant's father, uncle and her grand-mother went to the petitioner's house to confront him where they were abused and assaulted by him. Thereafter, on 07.09.2024, the informant's uncle, Ajay Kumar Sah was assaulted by co-accused Pushpendra Tiwari, as a result of which he sustained severe injuries.

4. The main submissions advanced by learned counsel appearing for the petitioner are that the petitioner is a 25 year old young person having fair and clean antecedent and as per the allegation he has abused to the informant, who is said to be a 16 year old girl, and also demanded her mobile number at that time and except this there is no any other serious allegation against him and putting the petitioner behind bars will ruin his career.

5. On the other hand, learned counsel appearing for the informant has vehemently opposed the bail prayer of the petitioner and submits that the petitioner firstly, abused the informant by using filthy language and pressurized her to give her mobile number and started threatening her and thereafter the victim who is a minor girl, her father, uncle and grand-mother went to the house of the petitioner to make complaint but they were also abused and assaulted by this petitioner and in the



present time he is also threatening the prosecution party including the victim.

6. Considering the nature of allegation appearing against the petitioner from the FIR as pointed out by informant's counsel, this court is not inclined to grant the relief of anticipatory bail to the petitioner. Accordingly, his prayer stands rejected.

7. However, considering his young age and fair and clean antecedent, he is given a liberty to surrender before the trial court. If he avails this liberty in the next two weeks, then the learned court below shall decide his prayer, preferably on the same day, without being prejudiced with this rejection order according to merit.

(Shailendra Singh, J)

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