

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85006 of 2024

Arising Out of PS. Case No.-194 Year-2024 Thana- MOHANPUR District- Gaya

Subodh Kumar S/O Mithilesh Prasad R/O Vill.-Arki,P.S -Mohanpur,Dist.-
Gaya , At present resides - At room no.- 1,near Railway Tower,Bhilad,P.S and
Dist.- Vaisad (Gujrat)

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Muskan Kumari D/O Naulesh Prasad R/O Vill.-Arki,P.S -Mohanpur,Dist.-
Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate
For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 18-04-2025 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Mohanpur P.S. Case no.194 of 2024 registered under
Sections 75 and 76 of the B.N.S, 2023 and Section 8 and 12 of
the POCSO Act.

3. As per the prosecution case, the informant states
that on 29.07.2024 at about 10:00 p.m., the petitioner had been
sending bad massages and videos to the informant and was also
trying to get her door opened. She further states that informant's
younger sister who was aged about 11 years, sleeping on the
roof and when the informant declined to open her door, the



petitioner had gone up on the roof and tried to open undergarments of her younger sister. It is only after the informant's sister started crying and a *halla* was raised that the petitioner ran away from the place.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. The allegation against the petitioner is false and concocted. The petitioner and the informant are the agnates and there is a land dispute between them. He further submits that the occurrence is said to have been taken place on 29.07.2024 and the same is said to have reported on 02.08.2024 i.e. after a delay of four days. Learned counsel further points out that *panchayati* was held and a compromise was reached between the parties, a copy of which has been annexed as Annexure-P/2 to the application. From bare perusal of the bail rejection order passed by the learned Court below, it appears that both the victims were present in Court and they have stated that the present case has been lodged by mistake. 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 who submits that the allegations against the petitioner are serious in nature. Both the victim girls



have supported the prosecution case.

5. I have perused the submissions of both the parties and the material available on record.

6. From perusal of the statements of the victim girls recorded under Section 164 Cr.P.C on 05.08.2024 i.e. after nine days of the occurrence that one of the victim girl with whom the act is said to have been happened has herself stated that she was sleeping on roof along with her other brothers and sisters including the petitioner herein who also happens to be the cousin brother of the informant. Taking into consideration the fact that that the present F.I.R has been lodged after a delay of four days and no substantial or plausible reason has been tendered for the same, it appears that the story of the prosecution is not very much plausible or believable. Due to land dispute between the parties, the instant F.I.R has been lodged.

6. In view of the entire facts and circumstances of the case, it is directed that the petitioner above named, who has no criminal antecedent 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 Mohanpur P.S. Case no.194 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 Exclusive Special Judge POCSO-cum-Additional Sessions Judge-VII, Gaya, 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 and subject to the further conditions:-

- (I) The petitioner shall co-operate in investigation/trial.
- (II) One of the bailors of the petitioner shall be the father Mithilesh Prasad.

(Soni Shrivastava, J)

Harsh/-

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