

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83888 of 2024

Arising Out of PS. Case No.-106 Year-2024 Thana- AURAI District- Muzaffarpur

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1. Pushp Ranjan S/O Rajiv Ranjan Resident of village- Sundarkhauli, P.S- Aurai, District Muzaffarpur.
 2. Prasun Ranjan S/O Rajiv Ranjan Resident of village- Sundarkhauli, P.S- Aurai, District Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dukhani Devi W/O Kailash Das Resident of village- Sundarkhauli, P.S- Aurai, District Muzaffarpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mrs. Vaishnavi Singh, Advocate Mr. Ritwik Thakur, Advocate
For the Opposite Party/s :		Mr. Sadanand Paswan, APP
For the Informant	:	Mr. Purushottam Kumar, Advocate Ms. Tanushri, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 12-05-2025 Heard Learned Counsel for the petitioners, Learned Counsel for the Informant/O.P. No.2 and Learned APP for the State.

2. The present criminal miscellaneous application has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as ‘the BNSS, 2023’) for grant of anticipatory bail to the petitioners who apprehend arrest in connection with Aurai P.S. Case No.106 of 2024, lodged on 13.06.2024, under Sections 341/323/354A/504/506/34 of the



Indian Penal Code, under Sections 3(1)(s)/3(1)(r)/3(2)(va) of the SC/ST Act and under Sections 8/12 of the POCSO Act.

3. As per the prosecution, FIR has been lodged against three named accused persons including the present petitioners. Allegation against one of the accused persons that they tried to drag the daughter of the informant in the field. Any how the daughter of the informant saved her life. Subsequent allegation has been made against the present petitioners, sons of other accused keeping weapon in their hand and threatened to kill all of them.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel submits that both the accused and informant are the resident of same village. They are well known to each other. Counsel submits that antecedents of the petitioners are clean and father of the petitioners have filed two complaint cases against the informant's family bearing Case No.7 of 2020-21 and Case No.36 of 2023 and only with a view to save their skin, the informant's family member has filed the present case in which name of entire male members of the family have been inserted in this case. Learned Counsel submits that the petitioners are student and they are pursuing their studies in the Institute at



Muzaffarpur, namely, IIMT Group of College. They have attached the admit card also in the said case. Learned Counsel further submits that even upon the said allegation as per the FIR shall not constitute any offence under Section POCSO Act against the present petitioners. The allegation of threatening is there against the petitioners and antecedent of the petitioners are clean.

5. Learned Counsel for the informant/O.P. No.2 vehemently opposes the prayer for bail and submits that the accused persons have tried to outrage the modesty of the informant, in this regard it has categorically been indicated in the FIR as well as with danger weapon threatening has also been made.

6. In response thereof, learned Counsel for the petitioners submits that the said allegation is not against the petitioners rather it is against the father of the petitioner.

7. Learned APP for the State opposes the prayer for bail of the petitioners and fairly submits that the ingredient of POCSO Act is not against the present petitioners and only threatening is there.

8. As such, in the present facts and circumstances of this case, let the above named petitioners be released on



anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) each as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of Additional Sessions Judge-VI-cum-Special Judge, POCSO-I, Muzaffarpur, in connection with Aurai P.S. Case No. 106 of 2024, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

(Dr. Anshuman, J)

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