

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33711 of 2016

Arising Out of PS.Case No. -61 Year- 2016 Thana -VAISALI GRP CASE District-
VAISHALI(HAJIPUR)

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1. Tunna Ji Pandey Son of Late Radhe Shyam Pandey, resident of Village
Netwar, P.S.- Darauli, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sri Vijay Prakash Pandey, Son of Sri Awadhesh Pandey, resident of
Village- Malav, P.S. Belipar, District- Gorakhpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashish Giri
For the Opposite Party/s Mr. Dilip Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

04/ 24.10.2016 Record has been placed before me for passing order.

I have heard learned counsel for the petitioner as well as
learned Addl. Public Prosecutor for the State as well as learned
counsel for informant.

The accusation against the petitioner is that he made attempt
to outrage the modesty of 12 years girl while she was travelling by
train.

Submission on behalf of the petitioner is that FIR has been
lodged under section 354A of the Indian Penal Code which is bailable
in nature and so far as section 11/12 of the Protection of Children
from Sexual Offences Act (POCSO Act) is concerned, same is not
applicable in the present case. It is further submitted that informant
lodged this case under misconception at the instigation of police
official. Continuing his submissions, he submits that, as a matter of



fact, much prior to institution of the present case, petitioner had lodged criminal case against one DIG of this State and on account of the aforesaid criminal case, said DIG was put under suspension and he was removed from this State. It is submitted that said DIG is behind the institution of the present case. It is further submitted that moreover, when the informant realized his fault, he entered into compromise and does not want to proceed with the case.

Learned counsel appearing for the informant seconded the above stated submissions and also stated that the informant lodged this case under misconception when he noticed that his daughter was weeping and one police official was pressurizing to her to make allegation against the petitioner.

Learned Addl. Public Prosecutor opposed the prayer submitting that there is specific allegation of outrage of modesty of a minor girl against the petitioner.

Admittedly, section 354A of the Indian Penal Code is bailable in nature and so far as section 11/12 of the POCSO Act is concerned, petitioner is in jail custody since 24.7.2016 and investigation against him has already been completed. Moreover, informant has already entered into compromise.

No doubt, offence of POCSO Act is not compoundable offence but investigation against the petitioner has already been completed and therefore, taking note of the facts of the case as well as submissions of the parties, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of Addl. Sessions Judge I-cum-

Special Judge POCSO Act, Vaishali at Hajipur in Hajipur Sonapur
P.S. Case no. 61/2016.

shahid

(Hemant Kumar Srivastava,J)



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