

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38143 of 2016

Arising Out of PS.Case No. -120 Year- 2016 Thana -BHAGWANPUR District- BEGUSARAI

Santosh Kumar, Son of Paddu Paswan, Resident of Village- Banwaripur,
P.S.- Bhagwanpur, District- Begusarai.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Randhir Kumar No-1, Advocate

For the Opposite Party : Mr. Sri Ram Bachan Singh (APP)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 27-09-2016 Heard learned counsel for the petitioner and the learned
counsel representing the State.

The petitioner seeks bail in connection with Bhagwanpur
P.S Case No. 120 of 2016 registered for the offence punishable under
Section 354(A) of the Indian Penal Code and Section 8 of POCSO Act.

Allegedly, the petitioner caught the hair of the informant
and started teasing her and then the informant raised alarm then her
father and villager Shambhu Paswan came and after chase, caught the
petitioner. It is also alleged that earlier the petitioner has snatched
mangalsutra from the sister of Kanchan Kumari.

Submission is of false implication and that no offence
under POCSO Act is made out. The petitioner has been implicated due
to rivalry of Panchayat Election. The petitioner in custody since
04.06.2016 and by remaining in custody he has been sufficiently

penalized,

The learned A.P.P. opposes by submitting that the informant is a minor and taking advantage of absence of his father, the petitioner tried to outrage her modesty.

In the facts and circumstances stated above, considering the detention of the petitioner and further the chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence, as such, the petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of the learned Special Judge, POCSO, Begusarai, in connection with Bhagwanpur P.S. Case No. 120 of 2016, arising out of POCSO Case No. 32 of 2016, subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the Court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J.)

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