

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51777 of 2017

Arising Out of PS.Case No. -239 Year- 2017 Thana -SUGAULI District-
EASTCHAMPARAN(MOTIHARI)

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Jitendra Kumar Singh S/o Ram Balak Singh, R/o Village- Sugauli Tola
Kaniyar, P.S.- Sugauli, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 13-11-2017 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner is in custody since 20.07.2017 in connection with Sugauli P.S. Case No. 239 of 2017 for the alleged offences under Sections 354(A), 354(D), 468, 471, 34, 469 and 506 of the Indian Penal Code, Section 66(A) of the I.T.Act, 2000 and Section 8 of the POCSO Act, 2012.

3. It is submitted that the petitioner has been falsely implicated and the informant's daughter is major, her date of birth being 21.05.1998, as evident from her Aadhar Card (Annexure-2). The provisions of the POCSO Act are thus on the face of it is not applicable. It is further submitted that the accusation with regard to publishing the photograph of the informant's daughter on Facebook is wholly false as the petitioner's email ID or mobile number has not been used to open the so-called Facebook account. The accusations under Section 66(A) of the I.T. Act are therefore, belied. Other penal Sections are added only to aggravate the alleged offences. The petitioner claims clean antecedents.



4. Be that as it may, having regard to the entirety of the facts and circumstances of the case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, POCSO Act, East Champaran, Motihari in connection with Sugauli P.S. Case No. 239 of 2017 on the following conditions:-

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

Chandran/BT

(Vikash Jain, J)

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