

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21465 of 2017

Arising Out of PS.Case No. -242 Year- 2016 Thana -MAHILA P.S. District- BHOJPUR

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1. Sheetal Prasad @ Chhotak Kalwar Son of Late Shiv Narayan Prasad
Resident of Village- Bara Kharauni, P.S. Bihia, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Siddharth Harsh

For the Opposite Party/s : Mr. Smt. Veena Kumari Jaiswal

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

6 30-06-2017 Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 376, 436, 34 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offence (POCSO) Act.

The petitioner is neighbour of the informant. Earlier the grand-mother of the informant had lodged a case against the petitioner of commission of attempt to rape vide Complaint Case No. 1206(C) of 2013.

A Coordinate Bench of this Court granted anticipatory bail to the petitioner in that complaint case vide order dated 23.07.2015 passed in Cr. Misc. No. 37453 of 2014 considering the fact that there was land dispute between the parties



and the matter appeared to be of false implication due to land dispute. Thereafter the present FIR has been lodged with allegation that the petitioner attempted to commit rape against the informant, a girl aged about 13 years. There is disclosure of the earlier case also lodged by the grand-mother of the informant.

It has been informed that another girl of the family of the informant has also lodged a case against the brother of the petitioner leveling identical allegation and everything is going on due to land dispute between the parties and at the instance of some local lawyer. His further submission is that the petitioner is in custody since 12.04.2017.

On the other hand, learned counsel for the informant opposed the prayer for bail and submits that prosecution evidence is already going on. The victim is yet to be examined. In the circumstances, petitioner should not be released on bail when the allegation is of sexual assault to a minor child.

Considering the facts and circumstances, the learned trial court is directed to conclude the trial preferably within a period of three months from the date of receipt of a copy of this order without giving any adjournment to any of the parties, failing which the petitioner shall be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of



the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Bhojpur at Ara/successor Court in connection with POCSO Case No. 12 of 2016 arising out of Bhojpur Mahila Police Station Case No. 242 of 2016, subject to the condition that the petitioner shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

Accordingly, this application stands disposed of.

(Birendra Kumar, J)

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