

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46322 of 2017

Arising Out of PS.Case No. -512 Year- 2015 Thana -MANER District- PATNA

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1. Raj Kumar Mishra Son of Sri Vijay Jha @ Sri Bhajan Mishra, R/o Mohalla- Naga Tola, Gorraiya Asthan, P.S.- Maner, District- Patna, At present Resident of the House of Dina Singh, Shiv Nagar, P.S.- Parsa Bazar, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Verma

For the Opposite Party/s : Smt. Veena Rani Prasad

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 03-10-2017 Heard learned counsel for the petitioner, learned counsel for the informant and learned APP for the State.

Petitioner seeks bail in connection with Special (POCSO) Case No. 152/2015, arising out of Maner P.S. Case No. 512/2015 for offences punishable under Section 354 of the Indian Penal Code and Section 8 of the POCSO Act.

The prosecution case, as lodged by the informant, is that the petitioner used to harass his 11 year old daughter since last six months and tried to forcibly take her in his motorcycle on the alleged date of occurrence.

It has been submitted by the learned counsel for the



petitioner that he is innocent, bears no criminal history and has committed no offence. He submits that the petitioner's sister and the informant were next door neighbours and due to dispute regarding passage and drain between the two parties false allegation has been made against the petitioner. He further submits that charge-sheet has already been submitted, there is no allegation of tampering of the prosecution witnesses by the petitioner and he is languishing in custody since 05.06.2017.

However, learned counsel appearing for the informant and learned APP for the State oppose the prayer for bail stating therein that the petitioner was harassing the 11 year old daughter of the informant for last six months and was also using filthy language and stalking her while she was going and coming from the school.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-I, cum Special Judge, POCSO Act, Patna, in connection with Special (POCSO) Case No. 152/2015, arising out of Maner P.S. Case No. 512/2015, subject to the condition that one



of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner as also regarding the details of his property and if the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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