

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2089 of 2018

Arising Out of PS. Case No.-513 Year-2017 Thana- KHAGARIA District- Khagaria

Bhola Shanker Pandey

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghav Prasad

For the Opposite Party/s : Mr. SRI RAMESH CHANDRA

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 12-02-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner, who is in custody, seeks bail in connection with POCSO Case No. 11 of 2017 arising out of Khagaria Town P.S. Case No. 513 of 2017 registered for the offence punishable under Sections 354(A) of the Indian Penal Code and Section 4/6 of POCSO Act and charge sheet has been submitted under Section 10 of the POCSO Act.

Informant is the maternal uncle of the victim and in his written report has stated that victim namely Swarn Abha Sah aged about 14 years is student of Class 9th in the school of Bhola Shanker Pandey (petitioner). It has been alleged that on 28.07.2017 victim girl had gone to School then Principal called



her through a student Manoj in his chamber and misbehaved her by taking in his lap and outraged her modesty. The victim anyhow came out from the chamber and on 29.07.2017 she did not go to school and narrated about the occurrence to her maternal aunt from whom informant could know about the incident.

Learned counsel for the petitioner submitted that he is innocent and has been falsely implicated in this case. It has been further submitted that occurrence took place on 28.07.2017 and a written information was lodged before the S.H.O. on 31.07.2017 without any explanation of such delay, which creates serious doubt about the correctness of prosecution story. It has been further submitted that informant from whom he came to know about incident is not an eye witness and it has been further stated that victim has been examined by the Investigating Officer under Section 161 Cr.P.C. but she has not supported the offending part which too shows that the informant has lodged a concocted case and statement of victim has also not been recorded under Section 164 of Cr.P.C. The informant himself is of questionable character and is accused in many criminal cases and wanted to blackmail



petitioner and is in habit of filing false case realizing money. It has further been submitted that petitioner has no criminal antecedent and he is in custody since 11.08.2017 and police has submitted charge sheet under Section 354(A) IPC and Section 10 of POCSO Act.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Special Court i.e. Additional Sessions Judge-I, Khagaria, in connection with POCSO Case No. 11 of 2017 arising out of Khagaria Town P.S. Case No. 513 of 2017.

(S. Kumar, J)

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