

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30593 of 2018

Arising Out of PS.Case No. -49 Year- 2018 Thana -ARA NAWADA District- BHOJPUR

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Military @ Miletry @ Nirmal Kumar S/o Dhanu Prasad @ Dhanu Nran. @
Dhanu Ram, R/o Mohalla- Maula Bagh (Dr. Isha Lane), P.S.- Ara Nawada,
District- Bhojpur at Ara.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mrigendra Kumar
For the Opposite Party/s : Sri Bhanu Pratap Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 04-07-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks bail in connection with POCSO
Case No. 8 of 2018 arising out of Ara Nawada Police Station Case
No. 49 of 2018 registered for the offences punishable under
sections 341, 323, 448 of the Indian Penal Code and section 12 of
POCSO Act.

The informant, in her written report, has alleged that
this petitioner used to tease her since long and on the date of
occurrence, he asked her mobile number. On refusal, he entered
into her house, assaulted, pulled her out and tried to outrage her
modesty.

It has been submitted that the case, as per section 12



of the POCSO Act, is not made out, as the informant is major and she mala fide has not disclosed her age. The petitioner is in custody since 23.03.2018 having clean antecedent.

The learned Additional Public Prosecutor on the other hand opposed the submission.

Considering the facts and circumstances of the case, the prayer for bail of the petitioner is allowed and he is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of A.D.J.-I, Ara, Bhojpur in connection with POCSO Case No. 8 of 2018 arising out of Ara Nawada Police Station Case No. 49 of 2018, subject to the following conditions:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(Sanjay Kumar, J)

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