

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15608 of 2018

Arising Out of PS.Case No. -412 Year- 2017 Thana -PATLIPUTRA District- PATNA

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1. Kundan Kumar @ Kundan @ Kunnu Sharma @ Kunnu @ Buntty Kumar,
S/o Jai Shankar Sharma @ Jai Shankar Prasad Sharma, R/o H. No.- 614,
Nehru Nagar, P.S.- Patliputra, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Samrendra Kumar Jha

For the Opposite Party/s : Mr. Sri Nagendra Prasad

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 05-04-2018

Heard the learned counsels for the parties.

The petitioner seeks bail in anticipation of his arrest in connection with Patliputra P.S. Case No. 412/2017 dated 24.11.2017 instituted for the offences under Sections 448, 342, 323, 504, 354(A) and 34 of the Indian Penal Code read with Sections 7 and 8 of the POCSO Act, 2012.

From the F.I.R., it appears that the 16 years old daughter of the informant was, while she had come out of her house to attend the call of nature, taken to a room in a rented house by the brother of the petitioner, viz. Munnu Sharma. When the informant learnt about it, he could manage to get his daughter extricated from the room of aforesaid Munnu Sharma. Later, the petitioner and about 50 others came to the house of the informant and assaulted him.

Learned counsel for the petitioner has submitted that so



far as the offences under Sections 7 and 8 of the POCSO Act are concerned, there is no allegation against him. With respect to the other allegations levelled in the F.I.R., it has been submitted that those do not inspire confidence as it does not appear to be probable that for such a small issue, 50 accused persons would go to accost the informant. That apart, it has been submitted that the informant as well as the petitioner are neighbours who have taken on rent different rooms in a building and there is a dispute between them with respect to use of a toilet.

Considering the aforesaid facts as also taking into account that the petitioner does not have any criminal antecedent, he is directed to be released on bail, in the event of his surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on his furnishing bond in the sum of Rs. 10,000/- (Ten Thousand), with two sureties of the like amount each to the satisfaction of the learned A.D.J. 1st, Patna in connection with Patliputra P.S. Case No. 412/2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J.)

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