

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63635 of 2017

Arising Out of PS.Case No. -250 Year- 2017 Thana -CHAKIA District-
EASTCHAMPARAN(MOTIHARI)

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Prince Kumar, Son of Ajay Kumar Singh @ Ajay Singh, Resident of
Village- Sarai Banwari, Police Station- Mehsi, District- East Champaran at
Motihari.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ravi Shanker Pankaj, Advocate

For the Opposite Party/s : Smt Sangeeta Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 10-01-2018

Heard learned counsel for the petitioner and
the learned Additional Public Prosecutor representing the
State.

Petitioner, in the present case, is seeking
regular bail in connection with Chakia P.S. Case No.
250/2017 registered for the offence punishable under
Sections 354(B) of the Indian Penal Code and Section 8/10
of POSCO Act.

Learned counsel for the petitioner submits that
as per the F.I.R. the allegation against the petitioner is that
he had gone to the house of the informant girl and asked her
to give the Aadhar Card and passbook, when the informant
told him that her father is not there at home petitioner
allegedly got hold of her hand and took her inside the house



with bad intention, he touched her on which the girl shouted and thereafter the neighbours assembled there. It is alleged that the petitioner always claims that he is son of the Sarpanch and nobody can harm him.

It is also alleged that he had taken the Aadhar Card with Rs. 1000/- from approximately 10 persons of the village which are entered in the mobile of the accused. It is further stated that the villagers had also assaulted the petitioner.

Learned counsel for the petitioner submits that there is a counter case which has been registered as Chakia P.S. Case No. 251/2017 by the father of the present petitioner. According to him, it is a case of political rivalry amongst the villagers and as the father of the informant was pressing hard to the father of the petitioner for certain benefits and when he was unable to get it from him he has made his daughter a mouth piece to lodge a false case against the son, who is the petitioner in the present case.

Learned counsel further submits that the petitioner has no criminal history as stated in paragraph 3 of the application and he is in custody since 20.09.2017. It is further submitted that even though the case has been lodged



under Section 354(B), 452 of the Indian Penal Code and Section 8 of the POCSO Act, the nature of the allegation would not suggest any serious kind of allegation of doing any wrongful act.

Learned counsel for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case particularly that there is a case and counter case and the allegation as contained in the F.I.R. is that of touching the informant with a bad intention but no specific act has been alleged otherwise, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 15,000/- (Rupees fifteen thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge – 1st cum Special Judge, POSCO Act, East Champaran at Motihari, in connection with Chakia P.S. Case No. 250 of 2017, subject to condition as laid down under Section 437(3) of the Code of Criminal Procedure.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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