

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4407 of 2018

Arising Out of PS.Case No. -558 Year- 2017 Thana -KADAMKUAN District- PATNA

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Suraj Kumar @ Suraj @ Nathu, Son of Bisundeo Prasad, resident of
Sammandar Path, Park Road, Kadamkuan, Police Station- Kadamkuan,
District- Patna.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Mouar

For the Opposite Party/s : Mr. Rajendra Singh Shastriji

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 01-02-2018

Heard learned counsel for the petitioner and

the learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Special Case No. 176/2017 POCSO arising out of Kadamkuan P.S. Case No. 558/2017 registered for the offence punishable under Sections 354(b), 354(c) of the Indian Penal Code and Section 8/12 of the POCSO Act.

Learned counsel for the petitioner submits that it is a case of false implication of the petitioner who is running his hotel in the area. Baseless allegations have been made just to create hindrances in running of the hotel, even though it is situated in a commercial area.

He further submits that in the nature of the



allegations made in the F.I.R., the provisions of POCSO Act would not be applicable. The main submission of learned counsel is that in the F.I.R. the informant has specifically mentioned that the alleged occurrence when this petitioner indulged in some indecent behaviour with the victim girl had taken place at 6.00 P.M., but from paragraph 20 of the case diary, which contains the details of the CCTV footage of the alleged date of occurrence from 5.45 P.M. to 6.45 P.M., Prima facie do not disclose displaying any such indecent act of the petitioner.

Learned counsel submits that the allegations are vague and the motive behind making such allegations are also apparent from the last part of the F.I.R. where general and omnibus kind of allegations have been made against the petitioner. It is further submitted that this petitioner is in custody since 02.12.2017.

Learned counsel for the State is present, however he accepts the factual position as emerging from the impugned order passed by the 1st Additional District & Sessions Judge, Patna, where the relevant finding in the case diary with regard to the said period, when the alleged occurrence is said to have taken place, has been taken note



of. Since no significant materials have been found in course of investigation against the petitioner, in the nature of the allegations, 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 1st Additional Sessions Judge cum Special Judge, POCSO, Patna, in connection with Special Case No. 176/2017 POCSO arising out of Kadamkuan P.S. Case No. 558/2017 , subject to condition as laid down under Section 437(3) of the Code of Criminal Procedure and further condition that the petitioner shall co-operate in investigation/trial by putting appearance as and when required before the Investigating Officer/in the court below whenever the matter is fixed in course of trial. If the petitioner would fail to cooperate with the Investigating Officer or would not put his appearance on two consecutive dates in course of trial in the court below for any plausible reason, the default shall invite cancellation of bail.

(Rajeev Ranjan Prasad, J.)

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