

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41118 of 2018

Arising Out of PS.Case No. -195 Year- 2018 Thana -MALSALAMI District- PATNA

=====

1. Rahul Kumar, Son of Sri Vijay Yadav, Resident of Mohalla- Nurpur,
P.S.- Malsalami, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 25-09-2018

Heard the parties.

This application is for grant of regular bail in connection with Malsalami P.S.Case nO.195 of 2018 for the offences under Sections 354(D) of the Indian Penal Code and Sections 8/12 of the POCSO Act..

Allegation against the petitioner is that he used to send obscene message through different mobile numbers and one day when the informant was sitting at her gate he tried to forcibly give his mobile number and started abusing her.

Submission of the learned counsel for the petitioner is that this case is made out under Section 354(D) of the IPC and Sections 8 and 12 of the POCSO Act. and moreover Section 354 (D) of the IPC is bailable section.



Heard learned A.P.P. and the learned counsel for the informant and from perusal of the impugned order, it appears that when the father of the informant was going to lodge the information at the instance of petitioner an accident was caused and the informant was also brutally assaulted and they were trying to get written that the informant has love affair with the petitioner..

Having heard both sides and in view of the facts and circumstances, as stated above, it appears that the petitioner is trying to tamper with the evidence in this case which will appear from para 31 of the case diary as mentioned in the impugned order.

In such view of the matter, I am not inclined to grant bail to the petitioner, however, once the charge is framed against the petitioner he shall be released on bail on an undertaking that that he will not harass the informant or his family members or he will not try to tamper with the evidence.

With the aforesaid observation, this application is disposed of .

(Vinod Kumar Sinha, J)

chn/-

U		T	
---	--	---	--

