

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39859 of 2019

Arising Out of PS. Case No.-39 Year-2019 Thana- HASPURA District- Aurangabad

RANJEET SHARMA Son of Nagendra Sharma Resident of Village-Jaitpur,
P.S.-Haspura, District-Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailesh Kumar Singh

For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 22-08-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 323, 341, 354, 504 of the Indian Penal Code and Section 8 of the POCSO Act registered in connection with Haspura P.S. Case No. 39/2019, G.R. No.17/2019.

3. It is submitted that the petitioner has been falsely implicated and as a matter of fact the informant's minor daughter had picked firewood from the land of the petitioner which was being taken back by him, but the incident has been given the shape of molestation. The allegation is highly improbable considering that the occurrence is said to have been taken place in presence of the informant. In any event the accusation in the FIR do not constitute the elements of the offence alleged under the POCSO Act. There is considerable delay in institution of the FIR on 17.04.2019 for the alleged occurrence of 12.04.2019. The petitioner claims clean antecedents.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand)



with two sureties of like amount each to the satisfaction of learned Ist Additional Sessions Judge-cum-Special Judge (POCSO), Aurangabad, in connection with Haspura P.S. Case No. 39/2019, G.R. No.17/2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

- i. That one of the bailors shall be a close relative of the petitioner.
- ii. That the petitioner shall not indulge in any similar offence till conclusion of the trial.
- iii. That the petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.
- iv. The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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