

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41436 of 2019

Arising Out of PS. Case No.-8 Year-2019 Thana- MAHILA P.S. District- Bhagalpur

SUNIL KUMAR Son of Tapeshwar Sharma Resident of Village - Algana,
P.S.- Kako, dist.- Jahanabad, At Present Resident of C/o Ashok Mishra, son of
Late Suresh Chandra Mishra, C.C. Mukherjee Road, Ward No.23, P.S.-
Jogsar, Dist.- Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Gupta

For the Opposite Party/s : Mr.Rajendra Singh

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

4 30-09-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail in
connection with POCSO Case No. 05 of 2019 arising out of
Mahila P.S. Case No. 08 of 2019 registered for the offence
punishable under Section 354 of the Indian Penal Code and 8 of
POCSO Act.

Informant who is the father of victim has alleged in
his written complaint dated 28.01.2019 that his minor daughter
aged about 13 years used to take tuition from the petitioner and
on 20.01.2019 he called her alone and started teasing her and
anyhow she returned back and informed her grandmother about
the incident but when informant and his family members tried to



meet him but he fled away.

It has been submitted on behalf of petitioner that he has been falsely implicated in this case due to village rivalry and suspicion. Petitioner has no criminal antecedent and he is in custody since 12.04.2019.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge, 1st-cum-Special Court POCSO, Bhagalpur, in connection with POCSO Case No. 05 of 2019 arising out of Mahila P.S. Case No. 08 of 2019 subject to the conditions that:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.



(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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