

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51017 of 2019**

Arising Out of PS. Case No.-81 Year-2018 Thana- BEGUSARAI
COMPLAINT CASE District- Begusarai

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PRINCE KUMAR, aged about 20 years, male, Son of Sujit Kumar Resident of village - Badhi, ward No.25, P.S.- Lohiyapur, O.P. Nagar, Dist.- Begusarai.

... .. Petitioner

Versus

1. THE STATE OF BIHAR
2. Vijay Soni Son of Late Nageshwar Prasad Soni Resident of village - Badhi, Ward No.25, P.S.- Lohiyapur, O.P. Nagar, Dist.- Begusarai.

... .. Opposite Parties

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Appearance :

For the Petitioner : Mr. Sanjeet Kumar, Advocate.
For the Complainant : Mr. Sandip Kumar Gautam, Advocate.
For the State : Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 17-08-2019 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, 504 of the Indian Penal Code and Section 7/8 of POCSO Act registered in connection with Complaint Case No. 81 of 2018 in POCSO Case No. 08 of 2018 [C.I.S. No. Complaint Case (P) 81 of 2018].

3. It is submitted that the petitioner has been falsely implicated and the accusations made against the accused persons in the complaint who are variously related to family members of the petitioner namely his father, mother and younger brother, are highly improbable. The complaint has been filed in wake of



Informatory Petition No. 3289 of 2018 filed by the petitioner's father. There is delay in filing the complaint before the learned Court below on 15.09.2018 for the alleged occurrence of 11.09.2018. Similarly situated aforesaid co-accused persons have been granted anticipatory bail by order dated 03.07.2019 by this Court in Cr. Misc. No. 41098 of 2019. The petitioner is an accused in one prior case in Begusarai Town P.S. Case No. 347 of 2018 which has been lodged at the instance of the same complainant.

4. Learned counsel for the complainant appears and has been heard. It is submitted that the present complaint has been filed in view of the continuing conduct of the accused persons who are putting pressure upon them for withdrawing the earlier Begusarai Town P.S. Case No. 347 of 2018.

5. 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 Additional Sessions Judge-1 cum Special Judge POCSO Act, Begusarai in connection with Complaint Case No. 81 of 2018 in POCSO Case No. 08 of 2018 [C.I.S. No. Complaint Case (P) 81 of 2018], 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 cooperate 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) That 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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