

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52625 of 2019

Arising Out of PS. Case No.-175 Year-2019 Thana- FATUA District- Patna

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Bambam Lahari @ Bambam Leheri @ Rakesh Lahri Son of Tuntun Leheri @
Tuntun Sav Resident of - Bankipur, Gorakh, P.S.- Fatuha, District- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Pankaj Kumar Sinha, Advocate
For the Opposite Party : Mr.Dinesh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 16-11-2019 Heard learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks bail in connection with
**Fatuha P.S. Case No. 175 of 2019, Spl. Case
No. 67 of 2019**, instituted for the offence under
Section 457, 354(B), 341, 323, 504, and 506/34 of
the Indian Penal Code. Later on, Sections 376 and
511 of the Indian Penal Code and Sections 8 and
12 of the POCSO Act were added.

Learned counsel for petitioner submits that
he has falsely been implicated in this case as the
petitioner has stood witness in the criminal case
under Section 498A of the Indian Penal Code which



was earlier filed against the informant's family in Fatuha P.S. Case No. 448 of 2015. It is further pointed out that brother of the instant petitioner has also lodged a case against the informant of this case in Fatuha P.S. Case No. 174 of 2019. It is on basis of these extraneous consideration that the petitioner has been implicated in this case falsely. Even, as per the allegations made in the First Informant Report, at best, he has made the victim girl to sit in the lap.

The petitioner is in custody since 17.03.2019 having no criminal antecedents.

Learned APP for the State opposed the prayer for bail by submitting that the prosecution story discloses the malign intention of the accused persons.

Having considered the rival submissions of the parties, prayer for bail is allowed. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the **Special Judge, POCSO Act,**



Patna, in connection with **Fatuha P.S. Case No. 175 of 2019, Spl. Case No. 67 of 2019,** subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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