

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57884 of 2019**

Arising Out of PS. Case No.-5 Year-2019 Thana- MAHILA P.S. District-
Vaishali

=====

GUDDU SAHNI @ GUDDU KUMAR, aged about 28 years, male, Son of Lal
Babu Sahni Resident of Village- Patepur, P.S.- Kartahan, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner : Mr. Sanjay Kumar Singh, Advocate.

For the Opposite Party: Mr. Nityanand, APP

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 12-09-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 354 and 34 of the Indian Penal Code and
Sections 8, 10, 12 and 17 of the Protection of Children from
Sexual Offences Act registered in connection with Mahila P.S. Case
No. 05 of 2019 (Sadar Vaishali).

3. It is submitted that the petitioner has been falsely
implicated in the backdrop of admitted land dispute between the
parties. The accusations of molestation by the petitioners along
with co-accused Manish Kumar are improbable as the informant
and the accused persons are cousins. The provisions of POCSO
Act are not attracted as the informant herself has stated her age
as 19 years, in her petition filed before the Special Court on
21.02.2019 which contradicts her own claim of 17 years in the
F.I.R. There is inordinate delay in recording the fardbeyan on
29.01.2019 for the alleged occurrence of 25.01.2019 and the F.I.R.
has been instituted as belatedly as on 08.02.2019. 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 Additional Sessions Judge-I, Hajipur at Vaishali in connection with Mahila P.S. Case No. 05 of 2019 (Sadar Vaishali) 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)

Ibrar//-

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

