

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58324 of 2019

Arising Out of PS. Case No.-1196 Year-2018 Thana- BIHTA District- Patna

PAPPU KUMAR Son of Ram Kumar Rai @ Bhagat Jee Resident of Village -
Mishrichak Bangla Par @ Mishrichak Narayanpur, P.S. - Bihta, District -
Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yugal Kishore

For the Opposite Party/s : Dr.Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 16-09-2019 Heard learned counsel for the petitioner and learned APP for the
State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 341, 354(kha), 34 of the Indian Penal Code and Sections 4 and 6 of the POCSO Act registered in connection with Bihta P.S. Case No. 1196 of 2018.

3. It is submitted that the petitioner has been falsely implicated and even from the FIR it transpires that the informant has not identified the petitioner and co-accused persons. It is submitted that from the averments in the FIR the ingredients of the offence alleged under Section 4 and 6 of the POCSO Act or under Section 354B of the Indian Penal Code are not made out against the petitioner. The parties are co-villagers and due to political enmity with the informant's family the petitioner has been implicated. 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 District and Sessions Judge-Ist-cum- Special Court, POCSO ,
Patna in connection with Bihta P.S. Case No. 1196 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 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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