

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75292 of 2018

Arising Out of PS. Case No.-171 Year-2018 Thana- MAHILA P.S. District- Patna

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Ashish Sinha Son of Suresh Kumar Sinha, Resident of Mohalla- Shiv Kutir
Road No. 10B, Rajendra Nagar, Police Station- Kadamkuan, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar Mouar, Adv.

For the Opposite Party/s : Mr.Sri Ataur Rahman

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 10-01-2019 Heard learned counsel for the petitioner, learned
counsel for the informant and the learned counsel appearing on
behalf of the State.

Petitioner is languishing in judicial custody since
19.11.2018 in connection with Special Case No. 227 of 2018
arising out of Mahila P.S. Case No. 171 of 2018 for offences
punishable under Sections 354 and 354A of Indian Penal Code
and Section 8 and 12 of Prevention of Children from Sexual
Offences Act.

The prosecution case as lodged by the informant
victim is that she is 16 year old girl and while in the morning
she had gone to the nearby shop to purchase tooth brush, her
neighbour, the petitioner, came and took her to his house where
he showed her obscene video and when she objected and tried to



run away he stopped her and any how she managed to come home and informed her mother and sister. It has also been stated that her father is deaf and dumb and the petitioner had threatened not to reveal the incident to her family members otherwise they would face dire consequence.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and is a next door neighbour of the informant. He submits that no overt act has been committed by the petitioner and allegations are false and baseless. He further submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

Learned counsel for the informant however opposes the prayer for bail stating therein that the petitioner and the informant and her family are neighbours and such occurrence has been done by the petitioner on a minor girl.

Learned APP for the State also opposes the prayer for bail.

Considering the facts and circumstances of the case and materials on record as well as the fact that charge-sheet has already been submitted, let the petitioner above named be enlarged 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 learned Special Judge POCSO-cum-ADJ-1st at Patna in connection with Special Case No. 227 of 2018 arising out of Mahila P.S. Case No. 171 of 2018, subject to the conditions:-

(1) One of the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioner.

(2) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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