

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71925 of 2019

Arising Out of PS. Case No.-46 Year-2019 Thana- MAJHAULIA District- West Champaran

Jhunna Sah @ Jhunna Kumar Son of Rajendra Sah, R/o Village- Jhagadwa,
P.S.- Majhauria, District- West Champaran.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 04-12-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Majhauria P.S. Case No. 46 of 2019 registered for the offences punishable under Sections 363, 366, 354(B), 354(C), 354(D), 34 of the Indian Penal Code and Sections 7, 8, 18 of the POCSO Act.

Learned counsel for the petitioner submits that the petitioner was going to drop victim girl to her home but due to some ill will of police he has falsely been implicated in this case. It is further submitted that the name of the petitioner has neither been figured as an accused by the victim nor by any other witness while investigation. Learned counsel further submits that the co-accused Vikash Patel has been granted anticipatory bail by a



learned Co-ordinate Bench of this Court, the petitioner is in custody since 04.08.2019.

Learned A.P.P. for the State has opposed the prayer for bail.

Considering the facts and circumstances of the case, wherein the FIR itself has been lodged by victim girl and she has stated that she had been going with this petitioner and one Vikash Patel on their motorcycle as they were known to her, to her village and on way to the village some miscreants in Bolero vehicle had tried to tease her and their intention were not looking good, but there is no allegation that in any way this petitioner had forcibly taken her on his motorcycle or had committed any overt act or indecent act with her and that the co-accused Vikash Patel has been granted anticipatory bail by a learned Co-ordinate Bench of this Court vide order dated 21.08.2019 passed in Cr. Misc. 52016 of 2019 and learned APP for the State is unable to differentiate the case of petitioner that of the said Vikash Patel. The petitioner is in custody since 04.08.2019. The investigation is complete and charge-sheet has been filed against the petitioner, let the petitioner above named be released on bail in connection with Majhauria P.S. Case No. 46 of 2019 on furnishing of bail bond of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge 1st-cum-Special



Judge SC/ST/POCSO Act, Bettiah, West Champaran, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

(Rajeev Ranjan Prasad, J)

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