

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54336 of 2018

Arising Out of PS. Case No.-218 Year-2018 Thana- PAROO District-
Muzaffarpur

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Indrajit Kumar @ Indrajit Kumar Sah son of Bhikhari Sah @ Bhikhari Lal
Sah, resident of Village- Rasoolpur, P.S. Paroo, District- Muzaffarpur.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Alok Kumar Alok, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

6 20-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 363, 376 of the Indian Penal Code and
3/4/8/12 of POCSO Act registered in connection with Paroo P.S.
Case No. 218 of 2018.

3. It is submitted that the petitioner has been falsely
implicated in the backdrop of petty dispute in which the
informant's mother was fined by the Panchayat. The petitioner
was residing at Arunachal Pradesh where he runs a betel shop
and on 11.06.2018 the petitioner was hospitalized at District
Hospital, Daporijo. The accusation under the provisions of
POCSO Act are not substantiated as the age of the victim girl has
not been stated in the F.I.R. and medical examination has been
refused by the informant as well as the victim girl. It has been
alleged in the F.I.R. that the physical relationship had been
established two months ago but no F.I.R. has been instituted at
the relevant time.



4. Learned APP opposes the anticipatory bail petition.

5. 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 Special Judge, POCSO Act, Muzaffarpur in connection with Paroo P.S. Case No. 218 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 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)

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