

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8406 of 2020

Arising Out of PS. Case No.-336 Year-2019 Thana- KONCH District- Gaya

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LAXMAN KUMAR Son of Basant Singh Resident of Village - Konch Dih,
P.S.- Konch, Distt - Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Mohammad Sufyan

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 02-03-2020 Heard learned Counsel for the petitioner and the learned
APP for the State.

Petitioner apprehend arrest in Konch PS Case No. 336
of 2019 arising out of Pocso Case No. 130 of 2019 registered under
Sections 34, 354, 337/34 IPC and Sections 8/12 of Pocso Act.

Petitioner's counsel submits that having no criminal
antecedent he has been falsely implicated in this case as he has
deposed as a witness in one amongst many cases pending against the
informant, details of which have been given in para 11 of the petition.
It is pointed out that the prosecution case in the FIR is belied in the
statement of the informant recorded under Section 164 Cr.P.C.,
wherein there is no allegation of any indecent utterances being made
against the petitioner. Even as per prosecution case only other
allegation is that petitioner had intercepted the bicycle of informant's
daughter while she was on way.

Learned APP has opposed the prayer.

Considering the rival submissions this Court is inclined
to accept the submission on behalf of the petitioner. The prayer is
allowed.



In the event of arrest or surrender before the court below within four weeks from today, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Special Judge (Pocso Act) Gaya in Konch PS Case No. 336 of 2019 arising out of Pocso Case No. 130 of 2019 subject to all conditions as laid down in Section 438(2) of the Criminal Procedure Code as also subject to the following conditions:-

(I) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date in the trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

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