

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9378 of 2020

Arising Out of PS. Case No.-102 Year-2019 Thana- SUIYA District- Banka

Sonu Barnwal @ Sonu Kumar @ Sonu Kumar Barnwal Son of Pramod
Barnwal @ Pramod Varnwal Resident of Village - Suiya, P.S.- Suiya, District-
Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suresh Prasad Sah @ Baranwal

For the Opposite Party/s : Mr.Bharat Lal

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 25-06-2020 The matter has been taken up through virtual Court
proceeding.

Heard learned counsel for the petitioner and
learned APP for the State.

The petitioner is languishing in custody since
16.12.2019 in a case registered for the offences punishable
under Section 354B of the Indian Penal Code and Section 8 of
the Protection of Children from Sexual Offences Act, 2012
hence, the prayer for bail has been made through the present
application.

The prosecution case, as per the written report of
Manoj Kumar Choudhary submitted to the Station House
Officer, Suiya P.S., is to the effect that on 15.12.2019, 15 years



old daughter of the informant was coming home after attending coaching, on the way, the petitioner started teasing the daughter of the informant. On alarm being raised, the petitioner escaped from the scene.

It is submitted by learned counsel for the petitioner that even assuming the accusation to be true, no case under Section 354B of the IPC or Section 8 of POCSO Act is made out against the petitioner. The investigation has already been concluded and the informant has retracted from the initial version and filed a petition to that effect before the learned Court below. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the accusation is specific against the petitioner.

Considering the nature of accusation and the fact that the case does not come under purview Section 8 of the POCSO Act which prescribes punishment for the sexual assault. Sexual assault has been defined under Section 7 of the POCSO Act. Such offence gets committed if someone with sexual intent touches private parts of a child or force the child to touch the private part of such person or does an act with sexual intent



which involves physical contact without penetration. In the present case, there is no accusation with regard to physical contact or touching any private part of the victim. The investigation has already been concluded and statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

In the circumstances, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned Additional Sessions Judge-I, Banka in connection with Suiya P.S. Case No. 102 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond upon furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional



bail, of the like amount each to the satisfaction of the learned
Additional Sessions Judge-I, Banka in connection with Suiya
P.S. Case No. 102 of 2019.

The learned Court below is at liberty to further
extend the period of provisional bail if the court proceeding in
physical mode will not resume in next three months.

(Dinesh Kumar Singh, J)

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