

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19108 of 2020

Arising Out of PS. Case No.-74 Year-2020 Thana- PHULWARISHARIF District- Patna

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Vishal Kumar @ Viashl Kumar S/o Bijendra Kumar Resident of Nawada,
P.S.- Phulwarisharif, District- Patna Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Samir Kumar, Adv.

For the Opposite Party/s : Mr.Usha Kumari 1, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 08-06-2020 Heard learned counsel for the petitioner and learned
APP for the State, through video conferencing.

The petitioner has filed the instant application under sections 439 and 440 of the Code of Criminal Procedure for grant of regular bail in connection Phulwarisharif P.S. Case No. 74 of 2020 registered under sections 341, 323, 324, 337, 338, 354, 504 and 34 of the Indian Penal Code, section 3(i)(r) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act and section 12 of POCSO Act.

At the outset an objection was raised by learned APP for the State on the ground of maintainability of the instant application under sections 439 and 440 of the Code of Criminal Procedure, in reply to which the learned counsel for the petitioner has relied on a decision in the case of **Guddu Kumar Yadav vs. State of Bihar** reported in **2019(4) PLJR 1240**.



As per allegation in the FIR, on the occasion of taking of idols of goddess for immersion, it is stated that there was dispute between the parties and the petitioner is stated to have attempted to give his phone number to one Kajal Kumari daughter of Shyam Nandan Paswan and also tried to block her way.

It is submitted by learned counsel for the petitioner that the allegations as levelled in the FIR are false and concocted. There is case and counter case between the parties, the FIRs being Annexures -1 and 2 to the petition, Annexure-2 having been lodged by cousin brother of the petitioner. It is further submitted that the matter has been compromised, which would transpire from Annexure-3 to the petition, the petitioner has no criminal antecedent and is in custody since 2.2.2020.

The application for bail is opposed by learned Special Public Prosecutor for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the allegations as levelled in the FIR, case and counter case between the parties, the petitioner having no criminal antecedent and being in custody since 2.2.2020, the Court is inclined to enlarge the petitioner on bail. The petitioner is



directed to be enlarged on bail in connection with
Phulwarisharif P.S. Case No. 74 of 2020 on furnishing bail bond
of Rs. 10,000/- with two sureties of the like amount each to the
satisfaction of the learned Additional Sessions Judge-I-cum
Special Judge, POCSO Act, Patna.

(Partha Sarthy, J)

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