

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18844 of 2020

Arising Out of PS. Case No.-69 Year-2019 Thana- MAHILA P.S. District- Rohtas

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Shree Bhuian @ Shri Bhuiya Son Of Lala Bhuian Resident Of Village -
Bajitpur (Chirayatad), P.S.- Rohtas, District - Rohtas At Sasaram

..
... Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Sada Nand Roy, Advocate

For the Opposite Party/s : Mr.Dr.M Kr.Gautam, Addl Public Prosecutor

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 10-07-2020 Heard learned counsel for the parties.

Petitioner is an accused in a case registered for the offences punishable under Section 323 and other allied sections of the Indian Penal Code and under sections 8/12 of the POCSO Act.

Prosecution's case, in brief, is that the petitioner attempted to outrage the modesty of 7 years old girl.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in this case lodged after delay of 18 hours of the alleged occurrence. He submits that the petitioner and the informant are neighbourer and the petitioner had dispute of Nali with the informant due to which



he lodged the instant false case to put a pressure on him. The victim, in her section 164 CR.P.C. statement, has only alleged that when the petitioner caught her and undressed her pant, she started crying and weeping. Thereafter, the petitioner slapped her and drove her out. Learned counsel submits that even the allegation is taken to be true, the petitioner did not make any overt act to commit the offence. Petitioner has got no criminal antecedent and he is in custody since 18.11.2019.

Considering the facts of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Additional District and Sessions Judge - I, Rohtas at Sasaram in PS. Case No.-69 Year-2019 Thana- MAHILA(Dehri) P.S. District- Rohtas on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move



for cancellation of bail.

(Prabhat Kumar Singh, J)

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