

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26050 of 2020

Arising Out of PS. Case No.-439 Year-2019 Thana- LALGANJ District- Vaishali

BIGAN KUMAR, Son of Durga Rai, aged about 40 years, Resident of Village
- Balua Basanta, P.S.- Lalganj, District - Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Satya Prakash Sinha, Advocate.
For the Opposite Party : Mr. Shailendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-10-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of virtual Court proceeding.

The matter has been listed under the heading 'For
Orders' under the orders of Hon'ble the Chief Justice.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the office, within a period
of four weeks after restoration of normalcy.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in a case for the offence
registered under Sections 341, 323, 376/511 of the I.P.C. and 3,
7 and 8 of POCSO Act.

The prosecution story, in brief, is that the informant's
daughter, Manisha Kumari, aged about 09 years, was grazing



her she-goat near the river side on 10.12.2019 at about 3.00 P.M. At the same time, Bigan Kumar (petitioner) came and caught her arm and after pressing her mouth began to carry away towards *Ikri* side then her daughter cried thereafter the petitioner started slapping her. Nearby working women and her grandmother also came then the petitioner fled away towards river side. The victim girl was brought to her house where she told her parents that Bigan Kumar has tried to outrage her modesty.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 12.12.2019. The petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. For a petty dispute, the present case has been instituted. There is no medical examination report in support of allegation made in the F.I.R. The petitioner is a handicapped person. In this regard, a certificate issued from the office of the Civil Surgeon-cum-Chief Medical Officer, Vaishali is annexed as Annexure-2 to the present application.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.



Considering the facts and circumstances of the case, the petitioner above named, is directed to 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 the learned Additional Sessions Judge-I-cum-Special Judge, Vaishali at Hajipur, in connection with Lalganj P.S. Case No. 439 of 2019.

(Sudhir Singh, J)

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