

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.21413 of 2020**

Arising Out of PS. Case No.-115 Year-2020 Thana- FATUA District- Patna

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PANKAJ KUMAR Son of Sanjay Kumar Resident of Village- Shisha Mill,
P.S.- Fatuha, Distt.- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Vijay Anand,Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 02-07-2020 Learned counsel for the petitioner undertakes to

remove the defects, as pointed out by office, within four weeks

after start of normal functioning of the Court.

Heard learned Senior counsel for the petitioner and

learned APP for the State.

Petitioner, in the present case, is seeking regular bail

in connection with Special Case No. 38 of 2020 arising out of

Fatuha P.S. Case No. 115 of 2020 registered under Sections 341,

342, 354, 354(D), 376, 511, 448, 34 of the Indian Penal Code

and 8/12 of POCSO Act and 66 of the I.T. Act.

Learned Senior counsel for the petitioner submits that

the petitioner is innocent and has falsely been implicated in the

present case. It is submitted that the FIR has been lodged after

inordinate delay without explaining the delay. The petitioner has



remained in custody since 14.02.2020.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case, the submission of learned Senior Counsel for the petitioner that so far as this petitioner is concerned, the only allegation against him is that on 05.12.2019 he had entered in the house of the informant and had taken the victim girl in his hold and kissed her, there is no allegation that like other co-accused this petitioner was ever indulged in eve-teasing of the informant and further submission that the petitioner being neighbour has been made accused just to settle the petty grievance of the family of the informant and that the FIR has been lodged two months after the alleged occurrence, the petitioner has remained in custody since 14.02.2020 and the victim girl has wrongly stated her age as minor whereas the correct date of birth of the victim girl is 27.05.2001 which would be evident from the certificate of Tripolia Social Service Hospital (Annexure '2'), investigation against the petitioner is complete and further incarceration of the petitioner is not likely to aid in the investigation or help the prosecution in the case and then there being no submission on behalf of the State that the release of the petitioner at this stage



is likely to interfere with the course of trial or tamper with evidence, let the petitioner be released on bail on furnishing bail bonds of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 1st-cum-Special Judge POCSO Act, Patna in connection with Special Case No. 38 of 2020 arising out of Fatuha P.S. Case No. 115 of 2020 subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, or the commission of which he is suspected, and

(c) that such person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic during the lockdown period. The authorities



concerned shall take appropriate steps to ensure such observance prior to and after release of the petitioner.

This application is allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/Rajeev

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

