

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24379 of 2020

Arising Out of PS. Case No.-30 Year-2019 Thana- BAIRIYA District- West Champaran

ANAND SAH S/O Ramchandra Sah Resident of village - Laukaria, P.S. -
Bairiya, District - West Champaran. Petitioner/s

Versus

THE STATE OF BIHAR Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

3 12-11-2020 Heard Mr. Sanjeev Kumar, learned counsel for the

petitioner and Mr. Bharat Lal, Additional Public Prosecutor for

the state through video conferencing.

2. Petitioner seeks regular bail in connection with
Bairiya PS Case No. 30/2019 registered for the offence
punishable under Sections 376, 511, 323 of the IPC and 8 of the
POCSO Act.

3. The allegation, as per First Information Report, is that
when the informant was coming from her sister's village, she
was intercepted by the petitioner who tried to outrage her
modesty and also inflicted injury on her body on several places.

4. Learned counsel for the petitioner submits that
the petitioner has not committed any offence in the
manner alleged and he has been implicated in this
case on account of the fact that petitioner is next
door neighbour of the informant's brother-in-law and a



land dispute relating to drainage between the parties is going on. Learned counsel further submits that both the parties are on litigating terms from before and earlier Bairiya PS Case No. 206/2015 was lodged by the mother of the present petitioner against one Gena Sah, brother-in-law of the present informant. Learned counsel further submits that the FIR has been lodged after a delay of about three days and referring to Annexure-2, i.e., Medical Report, learned counsel submits that no external injury has been found on the person of the victim.

5. Learned counsel further submits that petitioner is in custody since 30.11.2019 having no criminal antecedents.

6. Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that petitioner is in custody since 30.11.2019 having no criminal antecedents, I am inclined to grant regular bail to the petitioner subject to the conditions that (1) one of the bailors must be near relative of the petitioner having sufficient immovable property residing within the territorial jurisdiction of the court concerned and (2) petitioner will be well represented on each and every date in the trial and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

7. Accordingly, let the petitioner, ANAND SAH 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 learned 1st ADJ-cum-Special Judge, (SC/ST/POCSO), Bettiah, West Champaran in connection with Bairiya PS Case No. 30/2019.

8. It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines of social distancing.

(Anil Kumar Sinha, J)

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