

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22845 of 2020

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

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PINTU KUMAR @ AMRENDRA KUMAR Son of Yadunandan Prasad @
Yadunandan Prasad Singh Resident of Mohalla-Patel Nagar Sonaru, P.S.-
Fatuha, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Man Mohan Kumar
For the Opposite Party/s : Mr.A.G.

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(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 11-09-2020 Heard learned counsel for the parties.

Petitioner who is in custody seeks bail in a case registered for the offence punishable under Sections 341, 342, 354, 354D, 376, 511, 448/34 of the Indian Penal Code, Section 8/12 of the Protection of Children from Sexual Offences Act, 2012 and 66 of the Information Technology Act, 2000.

The allegation against the petitioner and four others is of teasing and harassing the informant and also sending vulgar messages on social media and of inappropriate touching.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case. It is submitted that the FIR has been lodged after inordinate delay without explaining the delay. Learned counsel for the petitioner



submits that the informant has not honestly stated with regard to her age where she has disclosed that she is minor, though in the certificate issued by the Tripolia Social Service Hospital, Patna, where she was born, the date of birth is mentioned as 27.05.2001 which clearly establishes that she was more than 18 years of age on the date of the FIR. Learned counsel for the petitioner at this stage submits that, without going into the merits of the allegations, no physical abuse of the victim is even alleged and further that because the petitioner is also a young boy and is in custody since 14.02.2020, the Court may consider granting him one opportunity to correct himself. Similarly, situated co-accused persons have been granted bail by co-ordinate benches of this Court vide order dated 02.07.2020 in Cr. Misc. No. 21413 of 2020, and 24.07.2020 in Criminal Miscellaneous No. 22043 of 2020.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with **Special Case No. 38 of 2020** arising out of **Fatuha PS Case No. 115 of 2020**, with following conditions:-

(1) Bailors should be local having sufficient



immovable property within the jurisdiction of the court concerned.

(2) 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 his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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