

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27390 of 2020

Arising Out of PS. Case No.-37 Year-2020 Thana- KHIRI MORE District- Patna

Mukesh Kumar, Son of Late Dinesh Prasad, Resident of Nirakhpur, P.S.-
Khirimore, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Tiwary, Advocate
For the Opposite Party/s : Mr. Aizarul Haque Sahana, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

6 21-12-2020 Since as of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through video conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Khirimore P.S. Case No.37 of 2020 registered for the offence punishable under Sections 341, 354A of the Indian Penal Code, Section 3(1)(w) of the SC/ST Act and Section



12 of the POCSO Act.

The case of the prosecution is that when the informant (minor girl) was returning home, the petitioner has pulled her with the intention of outraging her modesty. The informant has managed to escape after biting the right hand of the petitioner.

Petitioner's counsel submits that the petitioner has no criminal antecedents. He was doing masonry work at the informant's house and because there was certain dues against the prosecution party, the petitioner has falsely been implicated in this case. The same would be evident from the fact that even the statement under Section 164 Cr.P.C. of the alleged victim has not been recorded. The petitioner is in custody since 06.04.2020.

Learned APP for the State has opposed the prayer for bail. It is submitted that serious allegation under POCSO Act has been made against the petitioner.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, 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 learned Additional Sessions Judge-1st,
Patna, in connection with Khirimore P.S. Case No.37 of
2020, subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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