

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24650 of 2020

Arising Out of PS. Case No.-85 Year-2020 Thana- SUGAULI District- East Champaran

=====

SACHIDANAND JHA S/O Bachhu Jha Resident of Village -Fulwariya, Ward
No. 7, P.S. - Sugauli, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Bakshi S.R.P.Sinha, Sr. Adv. with

Mr. Sri Niwas Jha, Adv.

For the Opposite Party/s : Mr. Humayou Ahmad Khan APP

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 12-11-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsel are appearing and making submissions from their residence. The Court master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Mr. Humayou Ahmad Khan, learned APP, is appearing as it is submitted that the brief has been allotted to him by the office of Advocate General. His name may also be printed in the



cause list.

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

Learned counsel for the petitioner is expected to honor his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon.

The petitioner seeks bail in Sugauli P.S. Case no. 85 of 2020 instituted for the offence under Section 376 of the Indian Penal code and Sections 4 and 8 of the POCSO Act.

The F.I.R. discloses a very serious allegation under the POCSO Act alleged to have been committed upon a six years old girl.

The learned Senior counsel appearing for the petitioner submits that the girl is niece of the petitioner. They are agnates and living next to each other. The allegation pertains to 05.02.2020, whereas the F.I.R. has, however, been lodged on 07.02.2020. It is clearly a case of false implication based on subsisting dispute in relation to some demand for money as well as property between the agnates. This has come in the Course of investigation in paragraph nos. 40, 41 and 42 of the case diary, wherein the independent witnesses have stated that



this false case has been lodged on account of subsisting dispute between the parties. It is also pointed out from the statements of the victim girl recorded under Section 164 Cr. P.C., wherein, she has stated about the fact that she was being tutored by her father to make such statements to ensure that her uncle (petitioner) was sent to jail. Under such circumstances, the petitioner is in custody since 08.02.2020.

The learned APP has opposed the prayer for bail by submitting that a very serious allegation has been levelled against the petitioner.

Considering the rival submissions, 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 1st Additional Sessions Judge-cum Spl. Judge POCSO Act, East Champaran, Motihari, in connection with Sugauli P.S. Case No. 85 of 2020, G.R. No. 1002 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.

(Madhuresh Prasad, J)

shyambihari/-

U		T	
---	--	---	--

