

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30261 of 2020**

Arising Out of PS. Case No.-283 Year-2019 Thana- TRIVENIGANJ District- Supaul

ASHISH KUMAR S/o Rajesh Sardar R/o Vill.-Gonha, Ward No.-1, P.S.-
Triveniganj, Distt.-Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 23-11-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Sri Rajendra Nath Jha, the learned APP for the State.

The petitioner seeks regular bail in connection with Triveniganj P.S. Case No. 283 of 2019, registered for the offence punishable under Sections 448, 354B, 341, 323, 504, 506/34 of the Indian Penal Code and Section 8 of the POCSO Act.



The allegation as per the written report of the informant, aged about 14 years, is that in the night of 26.09.2019 at about 12:50 AM., the petitioner herein and two other unknown boys had entered her room and caught hold of her as also had torn her salwar-suit, but the informant had managed to raise alarm, whereupon her family members had arrived there and then, the accused persons including the petitioner herein had fled away.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 01.07.2020. It is further submitted that a general and omnibus allegation has been levelled against the petitioner herein and the victim girl, in her statement made under Section 164 Cr.P.C. before the learned Magistrate, has not alleged any sort of misdeed on the part of the petitioner.

Per contra, the learned APP has vehemently opposed the prayer for bail.



Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the statement made by the victim girl under Section 164 Cr.P.C. before the learned Magistrate, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-6th cum Special Judge POCSO Court, Supaul in connection with Triveniganj P.S. Case No. 283 of 2019.

(Mohit Kumar Shah, J)

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