

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.34019 of 2020**

Arising Out of PS. Case No.-291 Year-2019 Thana- DINARA District- Rohtas

ASHOK PANDEY @ ASHOK KUMAR PANDEY Son of Late Kashi Nath Pandey Resident of Village - Dahigana, P.O. Bisi Kalan, P.S.- Dinara, District - Rohtas at Sasaram.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

|                            |   |                                          |
|----------------------------|---|------------------------------------------|
| For the Petitioner         | : | Mr. Kamal Nayan Choubey, Senior Advocate |
|                            |   | Mr. Ashok Kumar Garg, Advocate           |
| For the Opposite Party/s : |   | Mr. Yogendra Kumar Singh, APP            |

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH**

ORAL ORDER

2      22-12-2020                      Heard Mr. K. N. Choubey, learned Senior Counsel appearing on behalf of the petitioner and Mr. Yogendra Kumar Singh, learned Additional Public Prosecutor, for the State of Bihar.

This application for grant of regular bail arises out of Dinara P.S. Case No.291 of 2019, registered for the offence punishable under Sections 341, 504, 354(A) of the Indian Penal Code, Section 3(i)(r)(w) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act and Section 8 of POCSO Act.

The petitioner has been described in the First Information Report as a quack treating villagers of the village to which informant belongs. The informant is the father of the alleged victim, aged about 11 years. He has alleged that the



victim had gone to the petitioner's clinic for injection. It is alleged against the petitioner that he had molested the informant's daughter, which, the victim, subsequently, disclosed to the informant's wife. For an occurrence, said to have taken place on 28.10.2019, the First Information Report was registered on 31.10.2019.

Mr. Kamal Nayan Choubey, learned Senior Counsel, appearing on behalf of the petitioner, has, at the very outset, drawn my attention to a written report submitted by the petitioner to the Officer In-charge of the police station on 29.10.2019 (Annexure-2), wherein he had alleged that the informant had borrowed some money from the petitioner and when the petitioner was insisting for repayment of the borrowed amount, an altercation had taken place. He has submitted that the First Information Report has been registered to mount undue pressure on the petitioner, who is in custody since 14.10.2020.

Considering the nature of accusation as appearing from the First Information Report and the submission advanced on behalf of the petitioner, in my opinion, case for grant of regular bail is made out.

This application is accordingly allowed.

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 District and Sessions Judge 7<sup>th</sup> Sasaram-cum-Special Judge, POCSO Act, Rohtas at Sasaram, in Dinara P.S. Case No.291 of 2019.

It is directed that the defect(s) in the application, pointed out by the Registry, must be removed within two months.

Since COVID-19 pandemic situation is prevailing, the Court has considered it appropriate to adopt following procedure for communication of the present order :-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential-office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the



learned Court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social distancing.

**(Chakradhari Sharan Singh, J)**

Pawan/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

