

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)  
CRIMINAL MISCELLANEOUS No.84475 of 2019**

Arising Out of PS. Case No.-440 Year-2019 Thana- BEGUSARAI MUFFASIL District-  
Begusarai

SIKANDAR TANTI @ SIKENDRA TANTI Son of Radhe Tanti @ Radhey  
Tanti Resident of Village - Dumri ward No. 7, P.S.- Muffasil (Singhaul O.P.),  
Distt - Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Sandip Kumar Gautam, Advocate  
For the Opposite Party/s : Mr.Ram Sumiran Rai, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD  
ORAL ORDER**

3      27-05-2020                      This application has been placed for consideration by  
  
the order of the Hon'ble the Chief Justice through virtual court  
proceeding.

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

The petitioner in this case is seeking regular bail in  
connection with Muffasil P.S. Case No. 440 of 2019 registered  
for the offences punishable under Sections 354B of the Indian  
Penal Code and under Sections 7 and 8 of the Prevention of  
Children from Sexual Offences Act.

Learned counsel for the petitioner submits that in the  
first information report the informant has alleged that one  
Muslim woman had seen this petitioner indulging in eve-teasing  
of the daughter of the informant and the petitioner was taking



her daughter on his bicycle. On getting knowledge of this fact from the said Muslim lady when the informant went to the house of this petitioner, she found that the petitioner had already left the daughter of the informant at her house.

The submission is that in course of investigation the informant did not disclose the name of the said Muslim lady and the I. O. has not recorded the statement of said Muslim lady from whom the informant said to have got the information. It is further stated that there is no independent eye witness to the alleged occurrence, no statement under Section 164 Cr.P.C. of the victim has been recorded and the medical report of the Sadar Hospital, Begusarai does not indicate any kind of internal or external injury or interference with the body of daughter of the informant. It is submit that the whole allegation against the petitioner is false and baseless and the petitioner is in judicial custody since 24.10.2019.

Learned APP for the State has opposed the prayer for regular bail of the petitioner as according to him the allegation against the petitioner is that he had taken away the daughter of the informant on a bicycle and had indulged in eve-teasing.

Considering the facts and circumstances of the case wherein the submission of learned counsel for the petitioner is



that till date the name of Muslim lady from whom the informant came to know about the alleged occurrence has not been disclosed and the I. O. has not even recorded her statement, further that neither the statement under Section 164 Cr.P.C. of the victim girl has been recorded nor the medical examination report suggests any interference with the body of the daughter of the informant, the FIR was lodged two days after the alleged occurrence and the petitioner has remained in custody for about 7 months, the investigation is complete, there is no submission on behalf of the State that release of the petitioner is likely to interfere with the course of trial, let the petitioner above named be released on bail on furnishing of bail bonds of of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge Ist -cum- Special Judge, POCSO Act, Begusarai in POCSO Case No. 57 of 2019 arising out of Muffasil P.S. Case No. 440 of 2019, subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, oft



he commission of which he is suspected, and

(c) that such person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic during the lockdown period. The authorities concerned shall take appropriate steps to ensure such observance prior to and after release of the petitioner.

This application stands disposed of.

**(Rajeev Ranjan Prasad, J)**

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

