

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.84627 of 2019**

Arising Out of PS. Case No.-205 Year-2019 Thana- NAUBATPUR District- Patna

=====

BABLU @ BABALU KUMAR Son of Late Sudarsan Rai Resident of
Village- Kahari Chak (Deonagar), P.S.- Naubatpur, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Binod Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 29-05-2020 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 the present case is seeking regular
bail in connection with Special Case No. 56A/2019 arising out
of Naubatpur P.S. Case No. 205/2019 registered for the offences
punishable under Sections 354A, 376, 511, 506, 379/34 of the
Indian Penal Code and Section 10 of POCSO Act.

Learned counsel for the petitioner submits that both
the petitioner and the victim girl are the co-villagers. It is
submitted that the allegation of molestation of the victim girl
has been made alleging that in the broad-day light she was



intercepted by the petitioner and co-accused persons and thereafter she was eve-teased and after putting her down, the accused persons torn her *Sameez* but at the same time when two motorbike borne persons were passing through that way the victim girl shouted and thereupon the accused persons fled away.

It is the contention of learned counsel for the petitioner that in the broad-day light though the occurrence has been alleged, there is no eye-witness to the alleged occurrence, none of the villagers have come forward to support the allegations as an eye-witness, moreover the two motor-bike borne persons who were said to be passing at that time have not been identified and their statements have not been recorded by I.O. The I.O has not seized the torn *Sameez* of the victim girl.

It is, thus, only a concocted case because of the village rivalry and Sections 376/511 and 379 IPC would not apply. It has further been pointed out that both the parties being villager have settled their disputes and the victim girl had personally appeared before the learned Session Judge at the time of hearing of the bail application to support the compromise copy of which is enclosed as Annexure '2'. The petitioner is said to be in custody since 18.10.2019, investigation against him



is complete and now there is no chance of either tampering with the evidence or in any way adversely influence the trial of the case

Learned APP for the state has opposed the prayer for regular bail of the petitioner as according to him, this is the case in which the petitioner is said to be one of the co-accused who had participated in eve-teasing of the victim girl and tearing of her *Sameez*.

Having heard learned counsel for the petitioner and learned APP for the State as also on going through the case diary which is available on the record, this Court has noticed that the victim girl has made allegations that she was intercepted by the accused persons including this petitioner, she was put down and then her *Sameez* was torn but thereafter the accused persons fled away on seeing the two motorcycle borne persons. The alleged occurrence is said to have taken place in the village area but in course of investigation police has not found the two motorcycle borne persons about whom the victim girl has stated to be passing through that time. No eye-witness of the case has been found by the I.O. and having found that the petitioner has remained in custody for over 7 months, investigation against him is complete and there is no argument against the petitioner



that his release is otherwise adversely affect the trial, let the petitioner above named be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Session Judge 1st cum Special Judge POCSO Patna in connection with Special Case No. 56A/2019 arising out of Naubatpur P.S. Case No. 205/2019, 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, or the 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 is allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

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

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'.

