

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12463 of 2021

Arising Out of PS. Case No.-683 Year-2020 Thana- KAHALGAON District- Bhagalpur

ANIL DAS SON OF LATE SUKKAR DAS R/o village- Lalapur Bhader,
P.S.- Kahalgaon, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 24-06-2021 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State through video
conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with Kahalgaon P.S. Case no. 683 of 2020 registered under sections 376, 363, 379, 504, 506, 323 and 34 of the Indian Penal Code and section 4 of the POCSO Act.

As per allegation in the FIR, it is stated by the informant that his 15 ½ year old daughter used to receive calls from accused Himalaya Das who used to trouble her. On the date of occurrence the said Himalaya Das took her on his motorcycle and committed rape on her. It is stated that on the informant going to his house for making inquiry, the informant was beaten up by Himalaya Das and also his father, the petitioner herein. Both of them threatened the informant.

It is submitted by learned counsel for the petitioner that



the allegations as levelled in the FIR are false and incorrect. Even as per the FIR the main allegation is against the co-accused Himalaya Das and the petitioner has been falsely implicated in the case because of his relationship, being the father of the said Himalaya Das. He has no criminal antecedent and is in custody since 30.10.2020.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case the allegations as contained in the FIR, the petitioner having remained in custody for over 7 months and investigation in the case having concluded, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with POCSO Case no.123/2020 (arising out of Kahalgaon P.S. Case no. 683 of 2020 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Excl. Spl. Judge (POCSO) – cum – Addl. District & Sessions Judge, Bhagalpur.

(Partha Sarthy, J)

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