

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11449 of 2021

Arising Out of PS. Case No.-17 Year-2020 Thana- MAHILA PS District- Jehanabad

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1. GUDDU SINGH Son of Ranjeet Singh Resident of Village - Shahpur, P.S.- Ghosi, District - Jehanabad.
 2. Sunil Kumar Singh @ Sunil Kumar Son of Girja Singh Resident of Village - Shahpur, P.S.- Ghosi, District - Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saket Kumar Singh
For the Opposite Party/s : Mr.Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 22-07-2021 This matter is taken up for consideration through Video Conferencing under the orders of Hon'ble the Chief Justice.

Heard both parties.

The petitioners seek bail in Jehanabad Mahila P.S. Case No. 17 of 2020 (POCSO Case No. 29 of 2020), registered for the offence punishable under Sections 354, 354(A), 323, 341, 342, 506/34 of the Indian Penal Code and section 8 of the POCSO Act.

As per the prosecution case, on the alleged date and time of occurrence, informant's daughters were in her house, in the meantime, both petitioners came and switched off the light



and tried to outrage the modesty of elder daughter of the informant and when younger daughter came to her rescue, she was also assaulted by them, as a result of which she sustained injury.

It is submitted on behalf of the petitioners that petitioners have falsely been implicated in this case. In fact, some altercation took place between the parties a day prior to the occurrence and due to that this false case has been lodged against these petitioners. Further submitted that during course of investigation, informant in her restatement has changed the entire version of prosecution case and stated that some altercation took place between the parties and thereafter, alleged incident took place. Injury report is not on the record. Both parties have compromised before the court below and compromise petition has also been filed. Petitioners are in custody since 23.08.2020.

Considering the facts and circumstances of the case, the petitioners above-named, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge VI-cum-Special Judge, POCSO, Jehanabad in connection with Jehanabad Mahila P.S.



Case No. 17 of 2020 (POCSO Case No. 29 of 2020) subject to following conditions:-

(i) The petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, their bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Prabhat Kumar Singh, J)

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