

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 17823 of 2021

Arising Out of PS. Case No.-749 Year-2020 Thana- SASARAM NAGAR District- Rohtas

Badal Kumar, aged about 21 years, Male Son of Arjun Singh, Resident of Mohalla- Takiya Patel Bhawan Behind Kali Mandir, Gaurakshani, Ward No. 2, Police Station- Sasaram Town, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 15-11-2021 Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.

Let the defect(s) be removed within two weeks of the complete start of the physical Court in normal course.

The petitioner is in custody for the offence punishable under Sections 341, 323, 504, 354, 354A and 354D/34 of the Indian Penal Code read with Section 8 of the Protection of Children from Sexual Offences Act, 2012 (POCSO) registered on 12.11.2020 at Sasaram (Town) P.S. Case No.749 of 2020 District- Rohtas.

The statement of the victim girl recorded under Section 164 Cr.P.C. would reveal that while she was returning after taking the examination where she reached in front of Gopal



Lodge, the accused Badal Kumar (petitioner), Rakesh Kumar @ Golu Kumar and Dhiraj Kumar, jointly came and started assaulting her with fists and slaps. In the meantime, the local people gathered and the accused persons ran away. It has further been alleged that for last one year the accused persons were harassing her while she used to go to school and return home. It has further been alleged that on 12.11.2020 the accused person outrage her modesty by touching her body.

Learned counsel appearing on behalf of the petitioner submits that no case as alleged in the FIR is made out under Section 8 of the POCSO Act. He further submits that the petitioner is in custody for more than one year and as such he be released on bail.

Learned counsel appearing on behalf of the State, however, opposes the prayer for grant of bail. He further submits that the allegation made in the FIR are serious in nature and as such the petitioner do not deserve to be released on bail.

Having considered the nature of allegation made in the FIR, as well as the case diary and the statement of the victim made under Section 164 Cr.P.C., let the petitioner, above named, who is in custody since 13.11.2020 be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty thousand) with two



sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VI Exclusive Special Court, POCSO Rohtas at Sasaram in connection with POCSO Case No. 66 of 2020 arising out of Sasaram Town P.S. Case No. 749 of 2020, with following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court below.

(b) The petitioner shall fully cooperate with the trial of the case, failing which the Court below shall be at liberty to cancel the bail bond of the petitioner.

(c) The petitioner shall not leave the country without permission of the trial Court.

(Purnendu Singh, J.)

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