

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.21037 of 2021**

Arising Out of PS. Case No.-342 Year-2019 Thana- SHIVSAGAR District- Rohtas

CHANDAN RAM, Son of Ram Ikbali Ram, Resident of Village- Shahpur,
P.S.- Sheosagar, District- Rohtas.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, A.P.P.

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

2 05-08-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with POCSO Case No. 91 of 2019 arising out of Sheosagar P.S. Case No. 342 of 2019 registered for the offence punishable under Sections 354B, 341, 323, 504, 506, 34 of the Indian Penal Code, Section 8 of the POCSO Act and Sections 3 (i)(r),(s) of the Scheduled Castes and Scheduled Tribes Act.

As per the prosecution story, while the informant was going to school from her house on 02.10.2019 and reached near

Maldaha crossing, a co-villager Sushil Pandey with one unknown person came on motorcycle and asked her to save his mobile number. It is further alleged that when the informant refused to do so he pulled her hand and tried to take her towards bush, she raised hulla and on hearing noise the villagers came there to rescue her and the accused persons fled away.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case.

Learned counsel submits that the co-accused Sushil Kumar whose name has been specifically mentioned in the First Information Report has been granted bail by a learned coordinate Bench of this Court vide order dated 05.01.2021 in Cr. Appeal (SJ) 2129 of 2020. The petitioner is in custody since 31.08.2020.

Mr. Akhileshwar Dayal, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein this Court has been informed by learned counsel for the petitioner that the co-accused Sushil Kumar whose name has been specifically mentioned in the First Information Report has been granted bail by a learned coordinate Bench of this

Court vide order dated 05.01.2021 in Cr. Appeal (SJ) 2129 of 2020, the case of the petitioner in the present case is standing on a better footing and he has remained in jail in connection with the present case since 31.08.2020, investigation against him is complete but the trial is not likely to take place in near future, he is also not named in the F.I.R. and has no criminal antecedent, in the circumstances, this Court directs releases of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge VI, Exclusive Special Court, POCSO, Rohtas at Sasaram in connection with POCSO Case No. 91 of 2019 arising out of Sheosagar P.S. Case No. 342 of 2019, subject to the condition as laid down under Section 437 (3) 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, of 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 the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

vats/-

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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'.