

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27377 of 2021

Arising Out of PS. Case No.-162 Year-2020 Thana- NAUHATTA District- Saharsa

BAIJNATH SAH SON OF LATE DEV NARAYAN SAH R/O VILLAGE-
RAMPUR, P.S- NAUHATTA, DIST- SAHARSA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nikunj Shekhar

For the Opposite Party/s : Mr.Rajendra Nath Jha

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 23-11-2021 Heard learned counsel for the petitioner and learned
counsel for the informant as well as learned APP for the State.

Petitioner seeks bail in connection Nauhatta P.S. Case
no. 162 of 2020 registered for the offence punishable under
sections 341,323, 376 (AB), 511, 504, 506/34 of the Indian
Penal Code read with sections 4, 12 and 18 of the POCSO Act.

Learned counsel for the petitioner at the outset submits
that petitioner is in custody since 16.12.2020 and is person with
clean antecedent and charge sheet has been submitted. Learned
counsel for the petitioner submits that from perusal of the
allegation as alleged in the FIR, it would manifest that the
informant alleges that petitioner entered into the house of the
victim and tore her cloth with an intention to rape the informant
who claims to be minor aged about 13 years. She tried to escape



and shouted for her rescue. Hearing the noise, her family member woke up and came there but the petitioner fled away from there. Learned counsel for the petitioner further submits that from perusal of the allegation as alleged in the FIR, it would manifest that for the incident a Panchayati was conveyed in which parents of the victim along with other were present and before the Panches, it is alleged that petitioner accepted his guilt on which Panches directed the petitioner to give monetary compensation to the victim and her family members. Further, from allegation, it also manifests that since money was not paid to the family member of the victim, present FIR came to be instituted which amply demonstrates that the petitioner was implicated falsely in this case only for extorting money from him. Learned counsel for the petitioner submits that it does not stand to reason had the occurrence really taken place, in that event, family members would not have sought monetary compensation from the petitioner.

Learned counsel for the informant opposed the bail application but on query of the court as to whether monetary compensation was sought or not on that learned counsel fairly submitted that in the FIR itself it is submitted that Panchayati was conveyed in which monetary compensation was granted but



on refusal by the petitioner, present FIR came to be instituted.

Learned APP vehemently opposed the prayer for bail.

Considering the facts that petitioner is in jail custody since 16.12.2020 and petitioner is a person with clean antecedent and prior to institution of the present case Panchayati was conveyed in which petitioner was directed to pay monetary compensation but on refusal, present FIR came to be instituted, the petitioner is directed to be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Addl. Sessions Judge I, Saharsa in Nauhatta P.S. Case no. 162 of 2020.

(Satyavrat Verma, J)

s.hassan/-

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