

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30278 of 2021

Arising Out of PS. Case No.-400 Year-2020 Thana- CHHATAUNI District- East Champaran

AJAY THAKUR S/O SHYAMNARAYAN THAKUR RESIDENT OF
VILLAGE CHIRAIYA DURGA MANDIR, P.S-CHIRAIYA, DISTRICT-
EAST CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr. Ram Priya Saran Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 22-10-2021

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for
the offence punishable under Section 376, 511/34 of the Indian
Penal Code and u/s 6, 8, 11 of POCSO Act.

As per the prosecution case, this petitioner was caught
while attempting to commit sexual assault.

Learned counsel appearing for the petitioner submits
that petitioner is innocent and has falsely been implicated in the
case due to village politics. It is submitted that from perusal of
FIR itself it is apparent that the occurrence has taken place on
the road in public place, which does not inspire confidence as no
one can commit such offence in public place. Petitioner is in
custody since 21.10.2020 and he has remained in custody for
more than one year.



Learned counsel appearing for the State opposes the prayer for bail and submits that victim in her statement u/s 164 of the Cr. P. C. has supported the prosecution case.

Considering the facts of the case and the period of custody of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-VI-cum- Special Judge, POCSO Act, East Champaran, Motihari in connection with Chhatauni PS case No. 400/2020 on the following conditions:-

(1) Petitioner 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 on his/ her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

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

(Prabhat Kumar Singh, J)

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