

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41265 of 2021**

Arising Out of PS. Case No.-40 Year-2021 Thana- PUPRI District- Sitamarhi

Subodh Mahto Son of Harishchandra Mahto @ Harichan Mahto Resident of
Village- Pupri, Noniya Tola, Ward No.13, P.S.- Pupri, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh
For the Opposite Party/s : Mr.Khurshid Anwar

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2. 22-10-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Pupri P.S. Case No. 40 of 2021, registered for the offence under Sections 341, 323, 354, 376 of the Indian Penal Code, Section 4 / 6 of POCSO Act and Section 67(c) of I.T. Act.

As per the prosecution case, this petitioner is alleged to have entered in the house of informant and tried to commit sexual assault upon daughter of the informant.

It is submitted on behalf of petitioner that alleged occurrence is said to have taken place on 15.09.2020, but the complaint petition was filed in the court on 19.09.2020 i.e. after four days of occurrence without any plausible explanation of delay. It is further submitted that petitioner and his entire family



members have been made accused in this case due to land dispute between the parties. Petitioner has got clean antecedent and he is in custody since 16.05.2021. Investigation is complete.

Learned A.P.P. for the State has opposed the bail petition.

Considering the aforesaid facts and circumstances, the bail petition of petitioner is allowed. Let the above named petitioner 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 learned 6th Additional Sessions Judge-cum-Special Judge, Sitamarhi in connection with Pupri P.S. Case No. 40 of 2021, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his 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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