

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36131 of 2020

Arising Out of PS. Case No.-84 Year-2020 Thana- KALYANPUR District- Samastipur

MANOJ DAS Son of Pulindra Das Resident of Mohalla - Barheta, P.S. -
Kalyanpur, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rana Sanjay Kumar Singh, Adv.
For the Opposite Party/s : Mr.Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 10-03-2021 Heard the learned counsel for the petitioner
and the learned APP for the State, Sri Mritunjay
Kumar Nirala.

The petitioner seeks regular bail in
connection with Kalyanpur P.S. Case No. 84 of
2020, registered for the offence punishable under
Sections 354(B), 448 of the Indian Penal Code and
Sections 12, 8 of the POCSO Act.

The petitioner is alleged to have entered the
house of the informant at around 1:40 am. on
13.05.2020 and is alleged to have touched the
daughter of the informant, however, upon alarm
being raised, he had fled away.



The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 13.05.2020. The learned counsel for the petitioner has further submitted that a general and omnibus allegation has been levelled against the petitioner.

Per contra, the learned APP for the State, Sri Mritunjay Kumar Nirala, has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also those available in the case diary, this Court finds that a superfluous sort of allegation has been levelled against the petitioner and moreover, neither there is any medical report on record nor any statement of the victim girl has been recorded under Section 164 Cr.P.C. before the learned Magistrate so as



to connect the petitioner with the alleged crime,
hence, I deem it fit and proper to direct for
release of the petitioner on regular bail.

Accordingly, the above named petitioner
is directed to be enlarged on bail on furnishing bail
bonds of Rs. 10,000/- (rupees ten thousand) with
two sureties of the like amount each to the
satisfaction of learned Additional Sessions Judge-VI-
cum-Special Court (POCSO), Samastipur in
connection with Kalyanpur P.S. Case No. 84 of
2020.

(Mohit Kumar Shah, J)

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