

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 39285 of 2020

Arising Out of PS. Case No.-60 Year-2020 Thana- TANDWA District- Aurangabad

NITISH KUMAR Son of Babu Ram Singh Resident of Village- Varvadih,
P.S.- Pipra, District- Palamu (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Yogesh Chandra Verma, Sr Advocate with
M/s Priyanka Singh, Ravi Shankar Singh, Advs
For the Opposite Party/s : Mr Prem Kr Jha, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 02-03-2021 Heard learned senior counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in Tandawa Police Station
(for brevity, *PS*) Case No 60 of 2020 dated 04.07.2020 instituted
for the offence punishable under Sections 447, 354A, 420, 509,
506/34 of Indian Penal Code and Section 12 of Protection of
Children from Sexual Offences (for brevity, *POCSO*) Act.

It is the prosecution case that informant's daughter,
aged about 15 years, was at home, when her neighbour
(petitioner), who is aged about 19 years, had come at the house
and intimidated the daughter of the informant to hand over
ornaments and jewellery on the threat that he has some pictures
of the victim which he will upload on the social media.



Learned senior counsel for the petitioner submits that, even as per the prosecution case, there is no allegation of any physical/sexual exploitation of the daughter of the informant. At best, there is allegation that she had been intimidated into parting with some ornaments. The alleged photograph does not also figure in the course of investigation nor it is alleged that it was uploaded on any social media. The petitioner is in custody since 23.08.2020 and is stated to be a man of clean antecedent.

Learned APP for the State has assisted the Court on the basis of case diary, requisitioned earlier. She is unable to point out that the photograph was recovered and it was ever uploaded on the social media. Also, there is no material in the investigation to suggest physical/sexual exploitation of the informant's daughter.

Considering the rival submissions, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge VI -cum- Special Exclusive Judge (POCSO), Aurangabad in Tandawa PS Case No 60 of 2020 subject to the following conditions:-

- (i) That one of the bailors will be a close relative of



the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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