

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 36818 of 2020**

Arising Out of PS. Case No.-277 Year-2020 Thana- HARSIDHI District- East Champaran

PAPU KUMAR SON OF BADRI SAHANI RESIDENT OF VILLAGE -
UJJAIN LOHIAR MALAHI TOLA, P.S. - HARSIDHI, DISTRICT - EAST
CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr Devendra Prasad Sinha, Sr Advocate with Mr Bajarangi Lal, Advocate
For the State	:	Mr Zainul Abedin, APP
For the Informant	:	Mr Sunil Kumar No 3, Advocate

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

5 12-03-2021 At the very outset, the learned senior counsel for the petitioner points out error of typographical inadvertence which has crept in the bail application wherein, in the prayer portion, it has been stated as anticipatory bail.

The learned senior counsel submits that in fact, prayer is for regular bail as the petitioner is in custody.

Heard learned senior counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in Harsidhi Police Station (for brevity, *PS*) Case No 277 of 2020 instituted for the offence punishable under Sections 341, 504, 506/34 of Indian Penal Code and Sections 8/12 of Protection of Children from Sexual



Offences (for brevity, *POCSO*) Act.

Allegation is regarding the accused persons including the petitioner herein having engaged in eve teasing with the victim girls and as far as co-accused, namely, Pintu Kumar is concerned, he is stated to have made a video clipping of the said victim girls in an obscene manner and is stated to have made it viral. The said Pintu Kumar has already been granted bail by this Court in Cr Misc No 38195 of 2020 by order dated 10.03.2021.

Learned senior counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in the present case. He bears clean antecedent and is in custody since 15.08.2020. It is further submitted that there is general and omnibus allegation against the petitioner and he is not alleged to have made any video clipping viral.

Learned APP has opposed the prayer for bail.

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 I -cum- Special Judge, POCSO Act, East Champaran at Motihari in Harsidhi PS Case No 277 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)

M.E.H./-

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