

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38195 of 2020

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

Pintu Kumar Son of Late Bishwanath Sahni Resident of Village - Ujain
Lohiyar, P.S.- Harsidhi, District - East Champaran.

... .. Petitioner/s
Versus
The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sachida Nand Rai, Advocate
For the Opposite Party/s : APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 10-03-2021 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the Informant.

The petitioner has filed the instant application for grant of regular bail in connection with Harsidhi P.S. Case no. 277 of 2020 registered under sections 341, 504, 506 and 34 of the Indian Penal Code and sections 8 and 12 of the POCSO Act.

As per allegation in the FIR, the four accused persons are stated to have misbehaved with the minor informant and it is further stated that so far as this petitioner is concerned, he also made a video of the same and circulated it.

It is submitted by learned counsel for the petitioner that the allegation as levelled in the FIR are false and concocted. It is submitted that the petitioner has no criminal antecedent and so far as the main part of the allegation is concerned, his case stands on a similar footing to that of co-accused Munshi Kumar



who has been enlarged on bail vide order dated 2.2.2021 passed in Cr. Misc. no. 37320 of 2020.

The application for bail is opposed by learned APP for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that so far as this petitioner is concerned, the allegation against him is not only of misbehaving with the minor informant but it is he who had made a video of the occurrence and has circulated the same in public. It is thus submitted that the case of the petitioner is not similar to that of Munshi Kumar. He further submits that the informant has further supported the allegation against the petitioner in paragraph no. 44 of the case diary.

Having heard learned counsel for the parties and taking into consideration the nature of allegation together with the petitioner being in custody since 6.7.2020 i.e. for over 8 months, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Harsidhi P.S. Case no. 277 of 2020 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, POCSO Act. East Champaran at Motihari.



In the facts and circumstances of the case, it is directed that the petitioner shall co-operate with the Investigating Agency as also the trial and in case the learned Court below is of the opinion that the case is being delayed for non-cooperation on part of the petitioner, the Court may cancel the bail bond of the petitioner and take him in custody till conclusion of the trial.

(Partha Sarthy, J)

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