

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39237 of 2020

Arising Out of PS. Case No.-4 Year-2017 Thana- BELAGANJ District- Gaya

Pradeep Das S/o Raja Das R/o Village- Akathu, P.S.- Belaganj, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gajendra Kumar Singh, Advocate
For the State	:	Md. Mushtaque Alam APP.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 23-02-2021 Heard learned counsel for the petitioner and the learned
APP for the State.

Learned counsel for the petitioner is expected to honor his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon.

The petitioner seeks bail in POCSO Case No 02 of 2017 arising out of Belaganj PS Case No 04 of 2017, instituted for the offence under Sections 323, 325, 376, 511, 504, 506 and 34 of the Indian Penal Code and Sections 7 and 8 of the Protection of Children From Sexual Offences Act, 2012.

While the informant went to attend the call of nature, the petitioner has allegedly tried to rape her. On resisting, she allegedly has assaulted. Later on, accused persons have also assaulted her family members and threatened to kill.

Learned counsel for the petitioner submits that it is a case of false implication which is apparent from the delay of 15 days in lodging the prosecution case. The informant and petitioner



are cousins and implication is based on subsisting property dispute. The prosecution case is false and concocted.

The learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, let the petitioner, above named, 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 the learned Additional District and Sessions Judge-VI-cum Special Judge (POCSO Court) Gaya, in connection with POCSO Case No 02 of 2017, arising out of Belaganj PS Case No 04 of 2017, 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.

(Madhuresh Prasad, J)

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