

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1579 of 2021

Arising Out of PS. Case No.-29 Year-2020 Thana- MAHILA P.S. District- Kaimur (Bhabua)

KALAM ALI SON OF MOINUDDIN ALI RESIDENT OF VILLAGE-
MUSTAFAPUR, P.S.-CHANDAULI, DISTRICT-CHANDAULI (UP)

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey

For the Opposite Party/s : Mr. Bisheshwar Ram

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 04-05-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual Court proceedings.

The petitioner seeks bail in a case registered for the offence punishable under Sections 342, 363, 376, 120 B & 506 of the Indian Penal Code, Section 4 of the POCSO Act and Section 66 (E)/67 (A) (B) of the IT Act.

The prosecution case, in brief, is that the petitioner in association of other co-accused is said to have tried to make physical relationship with the informant and also made a video of it.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He is quite innocent and has been falsely implicated in this case due to dirty village politics. It is further submitted that the occurrence is said



to have been held on 20.11.2019 but the present case has been lodged on 05.06.2020, after a long and abnormal delay of six months without assigning any plausible reason for the said delay. The victim girl in her deposition denied the allegation levelled against the petitioner. By filing supplementary affidavit the petitioner has brought on record the deposition of the victim girl. Co-accused, namely, Sandeep Maurya and Vinay Kumar Singh have been enlarged on bail by different co-ordinate bench of this court vide order dated 13.11.2020 & 09.12.2020 passed in Cr. Misc. Nos. 29863 of 2020 and 31803 of 2020. The petitioner has no criminal antecedent and has been languishing in custody since 14.06.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with POCSO Case No.20 of 2020, arising out of Mahila P.S. Case No.29 of 2020, subject to the following conditions :

- (1) One of the bailors will be his own blood relative,



preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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