

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40617 of 2020

Arising Out of PS. Case No.-236 Year-2020 Thana- RAFIGANJ District- Aurangabad

Suchit Kumar @ Bidhayak aged about 22 years S/O Suresh Prasad Mandal @
Suresh Mandal R/O Village-Jakhim, P.S.-RAFIGANJ, District-Aurangabad,
Bihar ... Petitioner

Versus

The State Of Bihar Opposite Party

Appearance :

For the Petitioner : Mr. Amarendra Kumar Singh, Advocate
For the Opposite Party : Mr. Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 23-02-2021 Heard learned counsel for the petitioner and the State.

The petitioner seeks regular bail in a case registered for the offence punishable under sections 354/34 and other ancillary sections of the Indian Penal Code and section 12 of the POCSO Act.

As per the prosecution case, on 21.9.2020 at 7 PM petitioner and other accused persons, all armed, came to the house of the informant. Co-accused Shashi Yadav started searching two grand daughters of the informant for kidnapping them. Informant has further alleged that on 18.9.2020 said co-accused sexually harassed the daughters of the informant when they were returning from coaching.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. There is no allegation of sexual harassment against the petitioner rather the allegation is against co-accused Shashi



Yadav. Petitioner has got clean antecedent as stated in paragraph 3 of the bail petition. Petitioner is in custody since 23.9.2020.

In the facts of the case, prayer for bail of the petitioner is allowed. Let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge VI cum Special Exclusive Judge, POCSO Act, Aurangabad in Rafiganj Police Station Case No. 236 of 2020 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

Shashi

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