

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40558 of 2020

Arising Out of PS. Case No.-121 Year-2020 Thana- KALYANPUR District- Samastipur

Md Inush @ Md Yunush @ Mohammad Yunus Son of Late Md Sageer
Resident of Ladaura, P.S.- Kalyanpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad

For the Opposite Party/s : Mr.Pramod Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 25-03-2021 Heard learned counsel for the parties.

The petitioner seeks bail in Kalyanpur P.S. Case No. 121 of 2020, registered for the offence under Sections 10 & 7 of POCSO Act, Section 354(B) of the I.P.C. and Sections 3(1)(r), 3(1)(s), 3(1)(w) of SC/ST (POA) Act.

As per the prosecution case, on 17.06.2020 at about 5:00 PM, the daughter of the informant aged about 9 years went to the shop of this petitioner to purchase biscuit and it is alleged that this petitioner caught hold of her, put handkerchief in her mouth and tried to molest her.

It is submitted on behalf of petitioner that petitioner has been falsely implicated in this case and in fact, the daughter of the informant committed theft in the shop of the petitioner and for which, some Maarpit took place. Taking advantage of the same, the petitioner has been made accused in this case.



Petitioner claims clean antecedent and he is in custody since 18.06.2020. Chargesheet has already been submitted.

Considering the nature of allegation and period of custody coupled with the fact that petitioner has got clean antecedent, the bail application of petitioner is allowed. Let the above named petitioner 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 learned Additional Sessions Judge VI cum Special Judge, POCSO Act, Samastipur in connection with Kalyanpur P.S. Case No. 121 of 2020, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his 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.)

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