

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6347 of 2021

Arising Out of PS. Case No.-5 Year-2016 Thana- MAHILA PS District- Gaya

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Shambhu Kumar age 25 years, Male, S/o- Saman Yadav @ Shyamlal Yadav
Resident of Village- Aamin, P.S.- Fatehpur, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar Yadav,Advocate

For the Opposite Party/s : Smt.Indu Kumari Srivastava,APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 22-06-2021 In compliance with the order dated 13.04.2021,
supplementary affidavit has been filed on behalf of petitioner,
which is available on record.

Heard learned counsel for the parties through video
conferencing.

The petitioner seeks bail in Mahila P.S. Case No. 05
of 2016 (POCSO Case No. 06 of 2016), registered for the
offence under Sections 354(A)/34 of the Indian Penal Code and
Section 8 of the POCSO Act.

As per the prosecution case, this petitioner alongwith
other two FIR named co-accused tried to outrage the modesty of
the victim girl (informant).



It is submitted on behalf of petitioner that due to land dispute between the parties, petitioner has been falsely implicated in this case. The victim (informant) is none else but मौसेरी बहन (cousin sister) of the petitioner. Petitioner claims clean antecedent and he is in custody since 30.09.2020. Chargesheet has already been submitted.

Learned A.P.P. for the State has opposed the bail petition.

Considering the nature of allegation, period of custody and clean antecedent of the petitioner, the bail petition 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 District and Sessions Judge 6th cum Special Judge, POCSO, Gaya in connection with Mahila P.S. Case No. 05 of 2016 (POCSO Case No. 06 of 2016), 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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