

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1955 of 2021**

Arising Out of PS. Case No.-246 Year-2020 Thana- ARA MUFFSIL District- Bhojpur

JAI RAM SHARMA @ JAY RAM SHARMA Son of Rama Shankar Sharma
Resident of Village - Bakhariya, P.S.- Ara Mufassil, District- Bhojpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Uday Kumar, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 02-03-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with POCSO Case No. 62/2020 arising out of Ara Mufassil P.S. Case No. 246 of 2020 registered for the offences punishable under Section 354A, 354D, 506, 34 of the Indian Penal Code, Section 12 of the POCSO Act and Section 67 of the I.T. Act.

Learned counsel for the petitioner submits that on perusal of the First Information Report itself, it would appear that the thrust of the allegations are against the brother of this petitioner who has allegedly made viral the photo of the victim



girl by making a fake ID on Facebook.

Learned counsel submits that the informant has stated that some days back the brother of this petitioner had indulged in eve teasing with the daughter of the informant. The date is not disclosed and then it is again stated that one day thereafter this petitioner had entered in the house of the informant and had threatened his daughter that if she would make a complaint then her reputation will be spoiled. Learned counsel submits that these are concocted stories as no such complaint was ever made by the informant.

Learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner.

Considering the facts and circumstances of the case particularly that the thrust of the allegations are against the brother of the present petitioner and the petitioner is in jail since 03.09.2020, investigation against him is complete and he has otherwise no criminal antecedent, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge – VI, Bhojpur, Ara, in connection with Ara Mufassil P.S. Case No. 246 of 2020, subject to the condition as



laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

