

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5536 of 2021**

Arising Out of PS. Case No.-234 Year-2020 Thana- BAIKUNTHPUR District- Gopalganj

PAPPU KUMAR Son of Mahanth Rai Resident of Village - Dighwa, P.S.-
Baikunthpur, Distt.- Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Naresh Chandra Verma, Adv.
For the Opposite Party/s : Mr.Chaubey Jawahar, APP.

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

2 15-04-2021 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 Baikunthpur P.S. Case No.234 of 2020 registered for the offences punishable under Sections 341, 323, 354(A), 354(B) and 504/34 of the Indian Penal Code and Sections 3©, 7/8 of the POCSO Act.

As per the First Information Report while the informant along with her mother had went to attend the call of nature on 27.07.2020 at 8.00 PM the petitioner started dragging



her towards the maize field by offering Rs.500/- and in course of dragging she became half-necked and on hulla nearby persons assembled then the petitioner fled away. It is further alleged that when the informant reached her house the petitioner's family came at her house and indulged in abusing her.

Learned counsel for the petitioner submits that the present FIR has been lodged on a totally false and flimsy allegation at the instance of cousin uncle of the informant who has got land dispute with this petitioner. Learned counsel submits that the FIR has been lodged on 29.07.2020 as regards the alleged occurrence of 27.07.2020 and the petitioner has remained in jail in connection with the present case since 01.08.2020.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case and the submission of learned counsel for the petitioner that the present FIR has been lodged on a totally false and flimsy allegation at the instance of cousin uncle of the informant who has got land dispute with this petitioner, the FIR has been lodged on 29.07.2020 as regards the alleged occurrence of



27.07.2020, the petitioner has remained in jail in connection with the present case since 01.08.2020, investigation against him is complete and at this stage the further incarceration of the petitioner in jail is not likely to come in aid of investigation or the prosecution, there being no submission on behalf of the State that the release of the petitioner at this stage is likely to result in tampering with the evidence or interfering with the course of trial, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned 6th Additional Sessions Judge-cum-Special Judge (POCSO Act), Gopalganj in connection with Baikunthpur P.S. Case No.234 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)

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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'.

