

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)**

CRIMINAL MISCELLANEOUS No.10456 of 2021

Arising Out of PS. Case No.-76 Year-2020 Thana- MOKAMAH District- Patna

CHHOTU KUMAR @ VISHWAJEET KUMAR SON OF LATE BRIJ
NANDAN SINGH R/O VILLAGE- MOKAMA GHAT, WARD NO.27, P.S.-
MOKAMA, DISTRICT- PATNA. Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr.Amit Kumar Anand, Advocate.

For the Opposite Party/s : Ms. Nirmala Kumari, APP

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

2 20-05-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Ms. Nirmala Kumari, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Special (POCSO) Case No. 158 of 2020 arising out of Mokama P.S. Case No. 76 of 2020 registered for the offences punishable under Sections 323, 354(B), 504, 506 and 427 the Indian Penal Code and Section 12 of the POCSO Act.

Learned counsel for the petitioner submits that as per the prosecution story, the petitioner used to tease the daughter of informant and on 6.5.2020 when informant and her family members told the matter to the family members of the petitioner, they started abusing them and damaged some of the articles of her shop.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that there



is no allegation that the petitioner has indulged in eve teasing with the daughter of the informant on the alleged date of occurrence. It is further submitted that the petitioner is in custody since 7.5.2020 having no criminal antecedent.

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

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that from bare perusal of First Information Report it would appear that on the alleged date of occurrence i.e. 06.05.2020 there is no allegation that the petitioner has indulged in eve teasing with the daughter of informant. By making a past reference in general and omnibus terms, the present FIR has been lodged with respect to the occurrence in which it is alleged that the petitioner being neighbour had started abusing the informant and was throwing bricks and stones on her shop and it is alleged that in that process he had damaged some of the articles kept in the shop, the submission being that the immediate cause of filing of the FIR is the said occurrence of abuse and throwing of bricks and stones, the further submission is that the petitioner has otherwise no criminal antecedent and has remained in custody for more than a year, considering all these aspects this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Patna in connection with Special (POCSO) Case No. 158 of 2020 arising out of Mokama P.S. Case No. 76 of 2020, subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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.

The application stands allowed.

(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'.

