

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86459 of 2019

Arising Out of PS. Case No.-166 Year-2019 Thana- CHAND District- Kaimur (Bhabua)

MUKESH GOSWAMI Son of Late Ram Karan Goswami Resident of Village-
Kuchhaira, Dhaurahara, Mukundma Milkipur, P.S.- Khandasa, District-
Faizabad (U.P.).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyendra Pandey, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

6 25-03-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

At the outset, a supplementary affidavit has been filed on behalf of the petitioner which is taken on record. It is submitted by learned counsel for the petitioner that there is an error at the top of the page of order dated 5.11.2019 of the learned court below wherein the case number has wrongly been mentioned as SC/ST Reg. No. 45 of 2019 instead of the correct POCSO Case no. 45 of 2019. The same would also be evident from the first page of the certified copy of the first information report, where the correct number is mentioned.

The petitioner has filed the instant application for grant of regular bail in connection with Chand P.S. Case no. 166 of 2019 (POCSO Case no. 45 of 2019) registered under



section 354 of the Indian Penal Code and section 66C of the Information Technology Act to which sections 354A, 504, 506 and 419 of the Indian Penal Code, sections 66 and 67 of the I.T. Act and sections 12 and 13 of the POCSO Act was added subsequently.

As per allegation in the first information report, it is stated by the informant that some accused persons created a fake ID of his niece and uploaded her objectionable video on the facebook.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. The allegation as levelled in the first information report and which have come in course of investigation, are false and fabricated. It is submitted that against maximum sentence of 3 years which may be imposed in the facts of the case, the petitioner has remained in custody since 5.10.2019 i.e. for 1 year 5 months. He has no criminal antecedent.

The application for bail is opposed by learned Additional Public Prosecutor for the State who submits that the allegation against the petitioner has been supported by the victim girl in her statement under section 164 Cr.P.C., that it was the petitioner who updated her ID and posted her photographs



and video.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case together with the period in custody and the petitioner not having any criminal antecedent, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with POCSO Case no. 45 of 2019 arising out of Chand P.S. Case no. 166 of 2019 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge I – cum – Special Judge, Kaimur at Bhabua.

It is further directed that the petitioner shall remain physically present in Court on each date of the trial and in case of absence on any date, for reasons not to the satisfaction of the learned court below, the learned Court below may proceed to cancel the bail bond of the petitioner and take him into custody during pendency of the trial.

(Partha Sarthy, J)

Spd/-

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