

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4630 of 2022

Arising Out of PS. Case No.-412 Year-2021 Thana- BEUR District- Patna

Sanjay Kumar @ Vinay Kumar, Son Of Late Rambabu Singh, R/O Village-
Jivanchak, P.S.- Karay Parsurai, District- Nalanda. At Present Resident Of
Vinayak Shopkeeper, Band Tal Sipara, P.S.- Beur District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2, Advocate

For the Opposite Party/s : Mr.Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 16-11-2022 Heard learned counsel for the petitioner and learned APP
for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Special (POCSO) Case No. 133 of 2021 arising out
of Beur P.S. Case No. 412 of 2021 registered for the alleged offences
under Sections 341, 323, 447, 354-B, 504, 506 and 34 of the Indian
Penal Code and Section 8 of the POCSO Act.

As per prosecution case, the petitioner has been running a
kirana shop and when the minor daughter of the informant went to
his shop for purchasing biscuits, the petitioner caught hold of her
breast and started doing obscene act. When the daughter of the
informant told her father/informant about this occurrence, the
informant went to the shop of the petitioner to scold him but he was



abused and driven out from the shop. Half an hour thereafter, the petitioner and other co-accused persons entered into the house of the informant and put down the wife and the daughter of the informant and they tried to take away the daughter and the wife of the informant forcibly and assaulted the informant.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Due to the non-payment issue, the petitioner has been made accused in this case. The occurrence took place in the morning of 15.09.2021, the informant lodged the FIR on 17.09.2021 at 12.45 AM and the FIR was sent to the learned Magistrate on 20.09.2021. There is no reasonable explanation for delayed filing of the FIR or sending the same to the court. The petitioner is himself a man of fair antecedent and there is no allegation of this nature against him. The petitioner is in custody since 13.10.2021 and the charge-sheet has been submitted in this case. The petitioner is having clean antecedent.

Learned APP opposes the prayer for bail submitting that there is specific allegation against this petitioner for making sexual assault on the minor daughter of the informant.

Perused the records.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the nature of allegation coupled with the period of custody of the petitioner and also considering his clean antecedent, the petitioner above named is



directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge (POCSO Act), Patna in connection with Special (POCSO) Case No. 133 of 2021 arising out of Beur P.S. Case No. 412 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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