

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.5703 of 2022**

Arising Out of PS. Case No.-167 Year-2021 Thana- MOHIUDDIN NAGAR District-  
Samastipur

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BIRCHANDRA MAHTO Son of Ram Jatan Mahto Resident of village -  
Kalyanpur Basti, Tole- Phulwariya, P.S. - Mohiuddin Nagar, District -  
Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Zeyaul Hoda

For the Opposite Party/s : Mr.Bhanu Pratap Singh

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**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH**  
**ORAL ORDER**

2      21-06-2022                      Heard learned counsel for the petitioner and the  
  
State.

Petitioner seeks regular bail in a case registered for  
the offence punishable under Sections 376, 511, 457, 341/34 of  
the Indian Penal Code and section 8 of POCSO Act.

Allegedly, co-accused Vipin Kumar entered into the  
house of the informant in the mid night and attempted to outrage  
modesty of the informant's sister and petitioner was found  
standing at the place of occurrence who managed to flee when  
victim raised alarm.

The main submissions advanced by the learned  
counsel for the petitioner are that petitioner was standing at the  
time of commission of the alleged wrong except this any



specific role or act is not alleged in the FIR. The main allegation is against co-accused. In fact, present case is counter blast of Mohiuddin Nagar P.S. Case No. 182 of 2021. During course of investigation so called victim denied for medical examination and co-accused was badly assaulted by the informant and the copy of his injury report has been annexed with this petition and petitioner has been languishing in jail since 27.9.2021.

Learned APP opposes the prayer for bail.

Having considered the above submissions as well as the role of this petitioner in the alleged crime, his custody period and clean antecedent, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge VI-cum, Special Judge POCSO Act, Samastipur in Mohiuddin Nagar P.S. Case No. 167 of 2021 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.



(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

The court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioner is found then the court below shall take serious action against him for cancellation of his bail bond.

**(Shailendra Singh, J)**

s.hassan/-

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