

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8216 of 2022**

Arising Out of PS. Case No.-99 Year-2020 Thana- INDUSTRIAL District- Bhagalpur

Kapildev Kumar Son of - Raj Kumar Mandal Resident of Village- Naya Tola,
Meerachak, P.S.- Industrial Area, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amrendra Kumar

For the Opposite Party/s : Mr. Bharat Lal, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 06-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

The petitioner seeks bail in connection with POCSO
Case No. 92 of 2021 arising out of Industrial Area P.S. Case No.
99 of 2020 registered for the offence under Sections 354 (A),
354 (B), 506 and 34 of the Indian Penal Code and Section 8 of
the POCSO Act.

The accused petitioner is named in the F.I.R. and is in
custody since 09.06.2021.

As per the allegations set out in F.I.R., the accusation
against the accused/petitioner is that petitioner made an attempt
to rape upon the victim, who is alleged to be minor on the date
of occurrence.

Learned counsel appearing on behalf of the



accused/petitioner submitted that petitioner has been falsely implicated in this case due to previous enmities. It has further been submitted that nature of accusation is very much omnibus and importantly vide order dated 21.02.2022, the finding of the Trial Court is of the fact that the victim was not minor on the date of occurrence as per her matriculation certificate, consequent upon request to the learned District Judge was made to transfer the case from the Exclusive POCSO Court. It is further submitted that chargesheet has been submitted in this case as such there is no chance of tampering with the evidence. Petitioner is a man of clean antecedent.

Learned APP appearing on behalf of the State while opposing the prayer for bail fairly conceded that as per the certified copy supplied by learned counsel appearing on behalf of the petitioner, it appears on its face that the victim/informant was not minor on the date of occurrence as per the matriculation certificate.

Considering the facts and submissions as made above, nature of accusation which is very much omnibus in the background of the previous family enmities coupled with the fact that victim was major on the date of occurrence, let the petitioner, above named, is directed to be released on bail in



connection with POCSO Case No. 92 of 2021 arising out of Industrial Area P.S. Case No. 99 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, POCSO Act-cum-Additional District Judge-VI, Bhagalpur subject to the following condition:

“That one of the bailors shall be the close relative of the accused/petitioner like mother/father/sister/brother.”

(Chandra Shekhar Jha, J)

Ankit/-

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