

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9607 of 2022

Arising Out of PS. Case No.-97 Year-2021 Thana- BEUR District- Patna

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Santosh Kumar S/O Akhilesh Prasad Resident of Village- Nausa, P.S.-
Harnaut, District- Nalanda. At Present R/O- Vidya Nagar Colony, C/O -
Birendra Thakur, P.S.- Beur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jata Shankar Jha
For the Opposite Party/s : Mr. Binay Krishna, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 09-06-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within two weeks
of the complete start of the physical Court in normal course.

The petitioner seeks bail in connection with Beur P.S.
Case No. 97 of 2021 registered for the offence under Sections
341, 342 and 354(B) of the Indian Penal Code, Sections 8 and
12 of the POCSO Act and Section 3(2)(v) of the SC/ST Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 01.03.2021.

The allegation against the petitioner is that while
victim informant was going to attend nature's call, the petitioner
forcibly took her at a closed place in a newly constructed house



and wanted to commit rape upon her.

Learned counsel appearing on behalf of the petitioner submitted that from bare perusal of the F.I.R., it appears that none of the ingredients of Section 7 and 11 of the POCSO Act is being satisfied. While arguing over the matter, it has further been submitted that the present occurrence is founded over the previous neighbourhood enmity as regard to cash transactions. It has also been submitted that petitioner is a man of clean antecedent.

Learned APP appearing on behalf of the State while opposing the prayer for bail fairly conceded that there is no sexual assault on the part of the accused/petitioner.

Considering the facts and circumstances as mentioned above, as there is no sexual assault on the part of the petitioner coupled with the fact that petitioner is a man of clean antecedent, let the petitioner, above named, is directed to be released on bail in connection with Beur P.S. Case No. 97 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge, POCSO Act, Patna, subject to the following conditions:



“(i) Accused/Petitioner shall cooperate in the trial and shall be properly represented on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground duly supported by the documents.

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

(Chandra Shekhar Jha, J)

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