

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10869 of 2022

Arising Out of PS. Case No.-537 Year-2021 Thana- KOTWALI District- Munger

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Babloo Raut Son of Late Lakhan Raut Resident of Mohalla- Choti Kela Bari,
P.S. Kotwali, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tarkeshwar Pd. Verma
For the Opposite Party/s : Mr. Ram Anurag Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 14-06-2022 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 a period
of four weeks from today.

The petitioner seeks bail in connection with Kotwali
P.S. Case No. 537 of 2021 registered for the offence under
Section 354(B) of the Indian Penal Code and Section 8 of
POCSO Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 09.12.2021.



The allegation against the petitioner is to assault with the intention to disrobe and also of sexual assault to the daughter of the informant, aged about seven years.

Learned counsel appearing on behalf of the petitioner submitted that the present case, under POCSO Act, has been falsely lodged against the petitioner for the reason that a total of Rs.3,000/- (Rupees Three Thousand) was due as a ferrying charge to the informant. It has also been submitted that from bare perusal of the F.I.R., there is nothing which may suggest that petitioner was under intention to disrobe the victim girl. It has further been submitted that to attract the allegation, as alleged, under POCSO Act, the important ingredient which require is sexual intent. It has further been submitted that F.I.R. in issue is nowhere suggest that alleged touching of private part of the victim is with sexual intent. It has also been submitted that petitioner is a man of clean antecedent and moreover, chargesheet has already been submitted in this case, as such there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State while opposing the prayer for bail fairly conceded the fact that ingredient as regard to intention to disrobe the victim is, *prima faice*, not suggestive, from the bare perusal of the F.I.R.



Considering the facts and circumstances as mentioned above, as the act of the petitioner is not suggestive to disrobe the victim girl and also having any sexual intent, as it is appearing from the bare perusal of the F.I.R. coupled with the fact that chargesheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Kotwali P.S. Case No. 537 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 Exclusive Special Judge (POCSO Act)-cum-Additional District Judge-VI, Munger, subject to the following conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present 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 of the petitioner only duly supported by the documents.

(iii) That one of the bailors shall be the wife of the petitioner.”

(Chandra Shekhar Jha, J)

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