

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12684 of 2022

Arising Out of PS. Case No.-147 Year-2020 Thana- CHANAN District- Lakhisarai

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Ranjit Kumar, S/o Late Naresh Mandal Resident of Village- Sangrampur,
P.S.- Chanan, District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Yadav

For the Opposite Party/s : Mr. Raj Kishore Singh

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 07-09-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Chanan
P. S. Case No. 147 of 2020, registered for the offences
punishable under Sections 447, 341, 323, 354(B) and 506
of the Indian Penal Code and Section 4 of the POCSO Act,
2012.

As per allegation, when the informant's daughter



went for natural call, the accused-petitioner started stalking her and after getting hold of the hand of the alleged victim, he put her down and started outraging her modesty and on protest by the alleged victim, the accused-petitioner even slapped and assaulted her. On *hullah*, when the villagers came, the accused-petitioner fled away.

The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that even going by the whole allegation, no offence is made out under the POCSO Act, 2012. He further submits that at best Section 354(B) of the Indian Penal Code may be applied to the alleged facts and circumstances of the case. He further submits that allegation of assault is not supported by any of the witnesses and no injury has been found on the person of the victim girl. He also submits that the petitioner and the brother of the victim girl are on inimical terms and the present case is prompted by enmity between the two.

The petitioner has been languishing in jail since 04.01.2022, i.e., for about eight months.



It is also stated in paragraph no. 2 of the petition that the petitioner has earlier moved an application for anticipatory bail before this Court *vide* Cr. Misc. No. 19582 of 2021, which has been rejected *vide* order dated 08.12.2021.

It has further been stated that the petitioner has no criminal antecedents.

However, the learned APP for the State vehemently opposes the prayer for bail, saying that the alleged offence is serious in nature.

Considering the aforesaid facts and circumstances, particularly the nature of the allegation and the period of custody, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge VI-cum-Special Judge, POCSO, Lakhisarai, in connection with Chanan P. S. Case No. 147 of 2020, **after framing of charge**, on the following conditions:

- (i) The petitioner will make himself available for



interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.



The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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