

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13386 of 2022

Arising Out of PS. Case No.-210 Year-2021 Thana- CHAKAND District- Gaya

CHANDAN KUMAR Son of Shankar @ Gariba Prasad Residence of
Chamardih, P.S.- Chankad, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajeet Ojha, Advocate.

For the Opposite Party/s : Mr. Sadanand Paswan, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 11-10-2022 Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Heard Mr. Ajeet Ojha, learned counsel for the petitioner
as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above
named, who has been made accused and put behind the bar in
connection with Chakand P. S. Case No. 210 of 2021 registered for
the offences punishable under Sections 341, 323, 354, 504 and 506
of the Indian Penal Code and Section 8/12 of the Protection of
Children from Sexual Offences Act and Section 3(i)(r)(s) of the
SC/SC Act.

As per the prosecution case, it is alleged that on
04.11.2021 at about 06:00 P.M., the daughter of the informant,
aged about eight years went to buy some crackers and when she



did not return, they started searching her. The informant received an information by the stranger, thereupon, they got the door of the house of the petitioner opened and then his daughter came out and stated that the petitioner has outraged her modesty and kissed her.

Learned counsel appearing on behalf of the petitioner submitted that from the tenor of the F.I.R., it would be evident that the allegation levelled against the petitioner is only to the extent of kissing by confining the victim closed in his house, however, later on, the statement of the victim was recorded under Section 161 Cr.P.C. and 164 Cr.P.C. wherein exaggeration have been made and the victim has stated that the petitioner after putting off her clothes started kissing, which also cast doubt over the prosecution case. It is also submitted that the petitioner is a man of fair antecedent, is in custody since 05.11.2021 and he is ready to give undertaking that he will fully cooperate in the trial till its conclusion.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that specific accusation of outraging the modesty of the victim has been levelled against the petitioner and moreover, she is only, aged about eight years old.

Regard being had to the submissions made on behalf of the parties and taking into account the nature of accusation, apart from the period of incarceration and fair antecedent of the



petitioner, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge POCSO-cum- Additional District and Sessions Judge- VIII, Gaya in connection with Chakand P. S. Case No. 210 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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