

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14090 of 2022

Arising Out of PS. Case No.-105 Year-2021 Thana- INARWA District- West Champaran

Rajmodin Mian @ Rajmoddin Miyan Son Of Rajdin Mian Resident Of
Village- Inarwa, P.S.- Inarwa, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binay Kant Mani Tripathi

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 27-09-2022 Let the defects, if any, be removed within four
weeks from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in
connection with Inarwa P.S. Case No. 105 of 2021 for the
offences punishable under Sections 341, 342, 323 and
354(B) of the Indian Penal Code.

The prosecution case is based on a written report
alleging therein that on 10.12.2020 at about 7.30, when the
informant went to take water from hand pump, in the
meantime, petitioner came and caught the informant
thrashed and disrobed her with bad intention. However, the



informant raised hulla, whereupon the parents and other people came there and caught hold the petitioner and handed over to the police.

Learned counsel for the petitioner submits that the informant is a major girl as is evident from her school leaving certificate by way of Annexure-2 to the application wherein her date of birth is mentioned 05.02.2002. He next submits that the present FIR has been instituted on the background of animosity. However, it is submitted that the police after investigation having found the victim as major submitted charge sheet only under sections 341, 342, 323, 354(A) and 354(B) of the Indian Penal Code and no charge sheet has been submitted under any penal provision of the POCSO Act. It is next submitted that during the course of trial, now the informant as well as her father were examined as PW-1 and PW2. However, both of them have categorically stated that they could not identified who had pushed the informant and they have not supported the prosecution case. They have categorically stated that the petitioner has not committed any wrongful act with the informant. While concluding his submission, he lastly



submits that petitioner having fair antecedent is in custody since 11.12.2021 and moreover, the informant and her father have not supported the prosecution case.

On the other hand, learned counsel for the State opposed the bail application, however, he is not in a position to confront the deposition made by the informant.

Regard being had to the submission and considering the deposition of the informant as well as her father, 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. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 7th cum Special Judge POCSO Bettiah, West Champaran in connection with Inarwa P.S. Case No. 105 of 2021 subject to the condition that one of the bailors will be the close relatives 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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