

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13729 of 2022

Arising Out of PS. Case No.-51 Year-2021 Thana- MAHILA P.S. District- Samastipur

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Ravi Kumar, Son of Shibu Chaudhary @ Shiv Kumar Chaudhary Resident of
Village - Laskara, Police Station - Tajpur, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar

For the Opposite Party/s : Mr. Akhileshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

5 12-09-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Mahila
P.S. Case No. 51 of 2021, registered for the offences
punishable under Sections 363 and 366(A) of the Indian
Penal Code and Sections 7, 8, and 12 of the POCSO Act.

The prosecution case as emerges from the FIR is
that a complaint was filed by the mother of the alleged



victim that the accused-petitioner along with other co-accused had kidnapped her daughter. She has further alleged that while sitting in the bus, the accused-petitioner was doing indecent act by touching the private parts of alleged victim/minor girl.

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 as per statement as recorded under Section 164 Cr.P.C., only allegation of outraging the modesty has been made against the petitioner. He further submits that the investigation in this case is complete and charge-sheet has already been submitted. He also submits that the petitioner has been languishing in jail since 18.12.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has no criminal antecedent.

However, learned APP for State vehemently



opposes the prayer for bail submitting that the alleged offence is serious in nature. He also refers to the statement of the alleged victim as recorded under Section 164 Cr.P.C. as per which she has supported the prosecution case stating that the accused-petitioner along with other co-accused had kidnapped her and he has outraged her modesty. However, he fairly concedes that there is no allegation of sexual assault against the petitioner in the statement.

Considering the aforesaid facts and circumstance, 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 Court of Special Judge (POCSO) Act, Samastipur in connection with Mahila P.S. Case No. 51 of 2021, **after framing of charge, in case it is not framed**, released the petitioner 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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