

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14572 of 2022

Arising Out of PS. Case No.-35 Year-2021 Thana- MAHILA PS District- Aurangabad

CHHOTU SAW @ CHHOTU KUMAR Son of Binod Saw @ Vinod Prasad
Resident of Village - Jagdeo Nagar, Ward No.- 4, P.S.- Nagar, District -
Aurangabad (Bihar).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar, Advocate

For the Opposite Party/s : Mr.Madhuri Lata, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 05-07-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
G.R. (POCSO) No.60 of 2021 arising out of Mahila P.S. Case
No. 35 of 2021 lodged under Sections 323, 341, 504 and 354 of
the Indian Penal Code and Sections 8 and 12 of POCSO Act.

The present FIR is arising out of complaint case
lodged under Section 156(3) of Cr.P.C. in which allegation of
sexual assault as well as sexual harassment under POCSO along
with other Sections of Indian Penal Code including 323, 341,
504 and 354 of the Indian Penal Code were made. The specific
allegation upon the petitioner is that he used to made sexual
harassment to the complainant-cum informant when she used to

visit for coaching.

Learned counsel for the petitioner submits that the family of petitioner and informant belong to same area. It has been alleged that a criminal case namely Nagar P.S. Case No. 375 of 2021 was filed by Guriya Devi (mother of the petitioner) against the father and other family members of the informant of the present case, in which the petitioner seeks bail. Upon getting information the father of the informant has filed a complaint case through minor daughter in which the present petitioner is in custody since 07.02.2022. Charge sheet has already been filed in this case and the petitioner has got no criminal history.

Learned A.P.P. opposes the prayer for bail.

In the present facts and circumstances that there is a prior dispute between the families of informant and the petitioner, considering the period of custody, charge sheet has already been filed and petitioner has no criminal antecedent, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-VI -cum- Special Exclusive Judge (POCSO), Aurangabad in connection with G.R. (POCSO) No. 60 of 2021 arising out of Mahila P.S. Case No. 35 of 2021, subject to the following

conditions:-

(i) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(ii) At the time of furnishing bail bond, the petitioner shall file an affidavit to the effect that he shall not indulge himself in future in the similar type of offence. If it is found so, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.

Accordingly, the bail application stands disposed of.

(Dr. Anshuman, J.)

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