

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19367 of 2022

Arising Out of PS. Case No.-492 Year-2021 Thana- CHANPATIA District- West Champaran

Madan Sah S/o Late Jagdish Sah Resident of Village- Puraina, Ward No.09,
P.S.- Chanpatiya, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Adv.

For the Opposite Party/s : Mr. Ramchandra Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

5 29-09-2022 Let the defect(s), if any, be removed within two
weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Chanpatiya P.S. Case No. 492 of 2021 lodged under Sections
354/354A of the I.P.C. and Sections 8/12, POCSO Act.

As per the prosecution case, the allegation against the
accused is that he called the victim and had given Rs. 30/-.
Allegation of outrage of modesty is there.

Learned counsel for the petitioner submits that the
present case is out and out false one, in this regard, he has stated
that the version of statement made under Section 164 of Cr.P.C.
and the version made before the Court during adduced evidence,

are totally different and they are in contradiction with each other.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that petitioner is in custody since 09.10.2021, charge sheet has already been filed in this case having 2 criminal cases pending against the petitioner. Learned counsel put emphasis on the statement of F.I.R., on the statement of 164 Cr.P.C. and vide Annexure – 4 the supplementary affidavit about the allegation in the F.I.R. He submits that there is absolutely a statement which amounts to denial of earlier statement is there.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Judge-VI-cum-Special Judge, POCSO, Bettiah, West Champaran in connection with Chanpatiya P.S. Case No. 492 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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