

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30871 of 2021**

Arising Out of PS. Case No.-405 Year-2020 Thana- LALGANJ District- Vaishali

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BABLU RAI @ BABLU KUMAR S/O KITA RAI RESIDENT OF
VILLAGE POGHIYA, WARD NO 19, PS LALGANJ DISTRICT-
VAISHALI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Pratap Singh, Adv.

For the Opposite Party/s : Mr. Bhanu Pratap Singh, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

5 07-02-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State through video conferencing.

A supplementary affidavit, carrying out necessary
correction in the main application, has been filed on behalf of the
petitioner, which forms part of this application.

The petitioner seeks bail in connection with Lalganj
P.S. Case No. 405 of 2020 registered for the offence under
Sections 341, 323, 354(A), 354(D), 504, 506 and 34 of the Indian
Penal Code and Section 12 of the POCSO Act.

The petitioner along with others are said to have tried
to outrage the modesty of the victim, who is daughter of the
informant and on protest made by the informant and his family
members, they have been assaulted by the petitioner and his
associates.



Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. He further submits that petitioner happens to be co-villager and neighbour of the informant and on account of dirty village politics, the petitioner has been made accused in this case. Although there is allegation of giving flying kiss to the victim against the petitioner, but the petitioner has not committed such type of offence. Moreover, no statement under Section 164 Cr.P.C of the victim is available on the record nor any medical report is available on record to suggest that the petitioner has physically assaulted or harass the victim. The petitioner is rotting in judicial custody since 26.12.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the direct allegation of giving flying kiss to the victim girl is attributed to him and he has tried to outrage the modesty of the victim girl.

Considering the facts and circumstances of the case and the period of custody as well as the nature of allegation, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-VI-cum-Special Judge, POCSO, Vaishali at Hajipur in connection with Lalganj P.S. Case No. 405 of 2020 with the following conditions:-



(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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