

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27687 of 2022

Arising Out of PS. Case No.-215 Year-2021 Thana- NATHNAGAR District- Bhagalpur

BANTI KUMAR SON OF BALMIKI KUMAR @ BALMIKI MANDAL
R/O VILLAGE- CHHOTI DIGGHI (PURAB TOLA), P.S.-
MADHUSUDANPUR, DISTRICT- BHAGALPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Advocate

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 01-09-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in judicial custody in connection
with Nathnagar (Madhusudanpur) P.S. Case No. 215 of 2021
corresponding to POCSO Case No. 40 of 2021 for the offences
under Sections 341, 354B and 34 of the Indian Penal Code and
Section 8 of the POCSO Act.

As per the FIR, it is alleged that this petitioner along
with one other tried to drag the victim girl towards the '*mango
orchard*' but on '*hulla*', the villagers came there and they fled
away from the scene of occurrence.



Learned counsel for the petitioner submits that the petitioner is a meritorious student and only because his marriage was fixed with a different girl, this FIR has been lodged. He further submits that despite the fact that he has no criminal antecedent, he has suffered by being in custody since 27.02.2022 (as stated in paragraph-1 of the bail application).

Considering the aforesaid facts as also that the petitioner is in custody since 27.02.2022 and has no criminal antecedent, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned Exclusive Special Judge (POCSO Act) -cum- Additional Sessions Judge -VI, Bhagalpur in connection with Nathnagar (Madhusudanpur) P.S. Case No. 215 of 2021 corresponding to POCSO Case No. 40 of 2021, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive



dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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