

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 38922 of 2021**

Arising Out of PS. Case No.-115 Year-2019 Thana- PIYAR District- Muzaffarpur

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BABLU KUMAR S/o Umesh Chaudhary R/o Village- Bargao, P.S.- Pear,
District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Amit Kumar Rakesh, Advocate

For the Opposite Party/s : Mr Mithlesh Kumar Khare, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 10-01-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for brevity, APP) appearing for
the State of Bihar through Virtual Mode.

The petitioner seeks bail in Pear Police Station (for
brevity, PS) Case No 115 of 2019 instituted for the offence
punishable under Sections 376, 511/34 of Indian Penal Code,
Section 67 (B) (C) of Information Technology Act and Section 8
of Protection of Children from Sexual Offences (for brevity,
POCSO) Act.

When the informant was visiting her mango orchard,
it is alleged that petitioner and co-accused Rohit Kumar caught
hold of the informant. The petitioner has thrown her down on
the ground and molested her whereas co-accused Sunil Kumar



has allegedly made video regarding the incident.

It is submitted by the petitioner's counsel that the informant and her sister are in the habit of making such false allegations. This fact has emerged during the course of investigation. Co-accused Sunil Kumar, against whom there is allegation that he made video regarding the incident, has already been granted bail by this Court in Cr Misc No 59015 of 2019. Petitioner is in custody since 15.02.2021 and has no criminal antecedent and the allegation is false, based on extraneous considerations.

Learned APP has opposed the prayer for bail.

Having considered the rival submissions, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge VII -cum- Special Judge, POCSO Act, Muzaffarpur in Pear PS Case No 115 of 2019 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to



how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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