

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39111 of 2021**

Arising Out of PS. Case No.-550 Year-2020 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

MD CHHOTU @ MD SADIK @ MD SADIR Son of Late Md. Abul
Resident of Mohalla- Mustafapur, P.S.- Barari, District- Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Deepak Kumar Sinha, Advocate

For the Opposite Party/s : Dr. Ajit Kumar, A.P.P

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

4 28-02-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner, who is in custody since 04.06.2021,
seeks regular bail in connection with POCSO Case No. 107 of
2020, arising out of Kotwali (Barari) P.S. Case No. 550 of 2020
for the offence punishable under Section 341, 323, 354 and
504/34 of the Indian Penal Code and Section 8 of the POCSO
Act, pending in the Court of Special Court, POCSO-cum-A.D.J-
VI, Bhagalpur.

The prosecution case, in brief, is that the victim, who
is minor was sexually assaulted on 13.12.2019 by the petitioner.

Learned counsel appearing on behalf of the
petitioner submits that the petitioner is innocent and he has
falsely been implicated in this case due to dirty village politics.



He further submits that from the statement of victim it appears that she is not able to identify any of the accused persons, because on sudden quarrel among children in course of the grazing of goat such allegation has been made by her.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Without going into the merits of the case, the learned trial Court is directed to record the statement of the victim girl, if already not recorded, as well as the statement of mother and father of the victim and the petitioner and all the other necessary witnesses and after recording their statements, if the Court below finds it proper in facts and circumstances of the case, shall pass necessary order in accordance with law, without being prejudiced by his earlier order dated 15.06.2021.

If the Court below is *prima facie* satisfied to release the petitioner on bail, the petitioner, above named be released on bail on such terms and conditions as the Court below may deem fit and proper.

Accordingly, with the aforesaid observation and direction, the present application filed on behalf of petitioner is disposed of.

(Purnendu Singh, J)

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