

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39568 of 2021

Arising Out of PS. Case No.-312 Year-2020 Thana- MURLIGANJ District- Madhepura

MUKESH KUMAR @ MUKESH SAH S/o Satrudhan Sah @ Satrudhan Gupta R/o- Ward No.6, Gosai Tola, Murliganj, P.S.- Murliganj, Distt-Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Tujabh Singh

For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 07-03-2022 Heard.

The petitioner seeks regular bail in connection with POCSO Case No. 39 of 2020 arising out of Murliganj P.S. Case No. 312 of 2020, registered for the offence punishable under sections 341, 323, 379, 379, 354(B), 504, 506/34 of the Indian Penal Code and Section 8 of POCSO Act.

The allegation is regarding the petitioner and one co-accused namely Sikardar Sah having entered the house of the informant and thereafter, they are stated to have tried to disrobe the daughter of the petitioner, however, upon alarm being raised, the informant and her husband arrived there resulting in the petitioner and other accused person fleeing away.



The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 18.01.2021. The learned counsel for the petitioner has further submitted that the matter has been compromised in between the parties and on account of misunderstanding, the instant FIR was lodged.

Per contra, Ms. Sharda Kumari, the learned APP for the State, has submitted by referring to Paragraph No. 62 of the case diary that it appears that the matter has been compromised in between the parties in a Panchayat held in the village in question. It is further submitted that the victim girl has refused to undergo medical examination as is apparent from the case diary.

Having heard the learned counsel for the parties and having gone through the materials available on record apart from having perused the case diary in question, it appears that at best the instant case in question can be stated to be a case of having tried to misbehave indecently with the victim girl, however, no untoward incident had taken place and moreover, the petitioner is languishing in custody since



more than a year, hence I deem it fit and proper to admit the petitioner to the privilege of regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Court of Additional Sessions Judge-VI cum Special Judge, (POCSO) Madhepura, in POCSO Case No.39 OF 2020 arising out of Murliganj P.S. Case No. 312 of 2020.

(Mohit Kumar Shah, J)

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