

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40803 of 2021

Arising Out of PS. Case No.-24 Year-2021 Thana- BELA District- Sitamarhi

SAROJ KUMAR Son of Raji Sharan Rai Resident of Village- Manithar, P.S.-
Bela, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 05-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Bela P.S. Case No. 24 of 2021 registered for the alleged offences under Sections 354B, 453, 504, 506 and 341 of the Indian Penal Code and Sections 8/12 of the POCSO Act, 2012.

The prosecution case is that the petitioner used to stalk the minor daughter of the informant and on the date of occurrence trespassed into the house of the informant and tried to commit rape with his minor daughter.



The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case but the victim girl herself denied the prosecution case in her statement recorded under Section 164 of the Cr. P.C. She has stated that the said case has been registered due to the money transaction and no one has entered into the room and no one has tried to commit rape. Learned counsel further submits that charge sheet has been submitted in this case and the petitioner is in custody since 06.06.2021.

Learned APP for the State opposes the prayer for bail submitting that the petitioner tried to commit rape with the minor daughter of the informant. However, he admitted that the victim has not supported the prosecution case in the statement recorded under Section 164 of the Cr. P.C.

Having regard to the submissions made hereinabove and considering the statement of the victim in para 33 of the case diary, wherein she has denied the occurrence and also considering the period of custody of the petitioner along with fact that charge sheet has been submitted in this case, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned



Additional District Judge VI, Sitamarhi in connection with Bela
P.S. Case No. 24 of 2021, subject to the following conditions :

(i) One of the bailors will be a close relative of the
petitioner.

(ii) The petitioner will remain present on each and
every date fixed by the court below.

(iii) The petitioner will not in any way contact either
the victim or any of the witnesses and will not try to
influence the trial.

(iv) In case of absence for three consecutive dates
or in violation of the terms of the bail, the bail bond
of the petitioner will be liable to be cancelled by the
court concerned.

(Arun Kumar Jha, J)

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