

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35577 of 2022

Arising Out of PS. Case No.-121 Year-2022 Thana- CHANPATIA District- West Champaran

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DHEERAJ KUMAR @ TINKU KUMAR SON OF RAMESHWAR RAM
Resident of Village- Dhumnagar kachahri tola ward no. 10 P.S.Chanpatiya
Dist - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 35377 of 2022

Arising Out of PS. Case No.-121 Year-2022 Thana- CHANPATIA District- West Champaran

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GAUTAM KUMAR @ NETA KUMAR S/O KAPILDEO RAM RESIDENT
OF VILLAGE-LAGUNAHA POKHARA TOLA WARD NO., P.S.-
CHANPATIYA, DIST- WEST CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 35577 of 2022)

For the Petitioner/s : Mr.Dhannjay Kumar No 2

For the Opposite Party/s : Mr.Suresh Pd. Singh.APP

(In CRIMINAL MISCELLANEOUS No. 35377 of 2022)

For the Petitioner/s : Mr.Dhannjay Kumar No 2

For the Opposite Party/s : Mr.Suresh Pd. Singh.APP

For the Informant Mr. Sanjeev Kumar Shrivastava

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 21-09-2022 The learned counsel for the petitioners is directed to

remove all the defects pointed out by the Stamp Reporter within one

month.

Both the petitions have been heard together as they arise

out of the same police station case number and are being disposed of



by this common order.

Heard learned counsel for the petitioners and the State.

Petitioners seek regular bail in a case registered for the offences punishable under Sections 323, 341, 354, 354A/34 of the Indian Penal Code and sections 8, 12, 17 of POSCO Act.

As per allegation, on the alleged date and time of occurrence, daughter of the informant was coming back home after watching **Hanuman Aradhna** then the accused persons including the petitioners caught and mis-behaved her.

The main submissions advanced by learned counsel Shri Dhannjay Kumar No. 2 appearing for both the petitioners are that there is clean antecedent of both the petitioners, any specific role of both the petitioners in committing the alleged crime has not been revealed in the F.I.R, petitioners are neighbour of the informant and the present case relates to a simple matter of mis-behaving and both the petitioners have been languishing in jail since 14.03.2022, against them investigation has been completed.

Learned APP Mr. Suresh Pd. Singh appearing for the State as well as learned counsel Shri Sanjeev Kumar Shrivastava, appearing for the informant have vehemently opposed the prayer for bail and submitted that the victim is a minor girl and after the completion of investigation the police submitted charge sheet under Section 8 of the POSCO Act as well as under relevant sections of the Indian Penal Code, during the course of investigation victim alleged



in her statement recorded by the police that the co-accused persons molested her.

Heard both sides and perused the FIR. Having regard to the facts and circumstances of the case and considering mainly the facts that in the F.I.R any specific role of both the petitioners in committing the alleged crime has not been revealed by the informant and the present case relates to a simple offence of mis-behaving allegedly committed by petitioners and co-accused persons with informant's minor daughter and during course of argument, learned counsel appearing for the informant has fairly accepted that in the medical examination no any injury on the body of the victim has been found and also taking into account the petitioners' clean antecedent as well as stage of their cases, in the opinion of this Court the petitioners deserve to a lenient approach of this Court.

Let the petitioners be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Addl. And Session Judge VI Cum Special Judge (POSCO), West Champaran, Bettiah in Chanpatiya P.S Case No. 121 of 2022 on the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.



(2) If the petitioners tamper with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailers shall be close relative of the petitioners who has sworn affidavit in this miscellaneous petition.

The court below will verify the criminal antecedent of the petitioners but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioners is found then the court below shall take serious action against them for cancellation of their bail bond.

(Shailendra Singh, J)

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