

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35058 of 2022

In
CRIMINAL APPEAL (SJ) No.4610 of 2021

Arising Out of PS. Case No.-664 Year-2021 Thana- KAHALGAON District- Bhagalpur

Rahul Kumar, Son of Satish Kumar, Resident of Village- Baraini, P.S.-
Kahalgaon, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mallik Paswan, Son of Late Singeshwar Paswan, Resident of Village -
Baraini, P.S.- Kahalgaon, District- Bhagalpur.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 26-09-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Deepak Kumar Sinha, learned counsel for
the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Kahalgaon P.S. Case No. 664 of 2021,
corresponding to POCSO Case No. 107 of 2021, registered for
the offences punishable under Sections 354(A), 354(B), 506 of
the Indian Penal Code, Section 8 of the POCSO Act and
Sections 3 (1)(x)(v) of the SC/ST Act.

The prosecution case is based on a written report filed
by the informant alleging therein that on 29.09.2021, at about



1.00 P.M., the petitioner entered into his house and tried to commit wrongful act with his daughter. However, due to assemblage of people, the petitioner tried to flee away, but he was caught by the villagers on spot and handed over to the police.

Learned counsel appearing on behalf of the petitioner submits that the informant and the petitioner are the co-villagers and the petitioner had good relationship with the daughter of the informant and there was talking term to each other. He next submits that during the course of investigation, the statement of the victim girl was recorded under Section 164 of the Cr.P.C. and she categorically stated that the petitioner had come to her house and while they were talking to each other, in the meantime, the informant saw the petitioner and he lodged the present F.I.R. He next submits that there is no allegation of any wrongful act against the petitioner and even the victim has disclosed that they were having only talking term, apart from the fact that the petitioner having fair antecedent, is in custody since 01.10.2021.

On the other hand learned APP for the State opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the statement of the victim girl



recorded under Section 164 of the Cr.P.C., as is evident from the impugned order, apart from the fair antecedent of the petitioner and the period of incarceration, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned 7th Additional Sessions Judge-cum-Excise-Cum-Spl. Judge, POCSO Act, Bhagalpur in connection with Kahalgaon P.S. Case No. 664 of 2021, corresponding to POCSO Case No. 107 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain physically present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

uday/-

U		T	
---	--	---	--

