

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34779 of 2022

Arising Out of PS. Case No.-156 Year-2022 Thana- KANKARBAG District- Patna

Mithilesh Kumar @ Mithilesh Bhagat Son Of Ramesh Bhagat R/O-Mohalla-
Doctor Colony, Jhuggi Jhopri, P.S.- Kankarbagh, Dist.- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Jha, Adv.

For the Opposite Party/s : Mr. Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 17-09-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Special (POCSO) Case No. 15 of 2022, arising out of
Kankarbagh P.S. Case No. 156 of 2022 lodged under Sections
354, 354-B, 509 and 506 of the I.P.C.

As per the prosecution case, the informant is alleged
that the petitioner used to attempt to outrage the modesty of the
informant who belongs to SC/ST community. On particular
date, he used to catch her hand also and forced her to went into
hut.

Learned counsel for the petitioner submits that

petitioner is a man of clean antecedent. He further submits that he is in custody since 20.02.2022, charge sheet has already been file in this case.

Learned counsel for the State opposes the prayer for bail.

Learned counsel for the informant vehemently opposes the prayer for bail and submits that the petitioner may not be released on bail otherwise he shall be in habit of doing so.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Session Judge- VIth, cum Speccial Judge (POSCO Act), Patna in connection with Spl. (POSCO) Case No. 15 of 2022, arising out of Kankarbagh P.S. Case No. 156 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of

his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

If the petitioner shall repeat the same thing with the informant, the informant is at liberty to move for cancellation of bail before the trial court and trial court upon hearing both the parties shall pass the order.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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