

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38280 of 2022**

Arising Out of PS. Case No.-172 Year-2021 Thana- BARIYARPUR District- Munger

Roushan Kumar S/o Kamal Singh Chouhan P.O.- Kalyanpur, Ward No. -1,
Bariyarpur, District - Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravish Kumar Varma, Advocate
	:	Mr. Ritesh Varma, Advocate
For the State	:	Dr. Mrityunjaya Kr. Gautam, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 03-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Bariyarpur P.S. Case No. 172 of 2021 registered for the offence
under Sections 341, 323 and 354(B) of the Indian Penal Code
and Section 8 of the POCSO Act.

The accused/petitioner is named in the F.I.R. and is in



custody since 06.05.2022.

The allegation against the petitioner is to molest and outrage the minor grand daughter of the informant, aged about 12 years, while travelling in an auto-rickshaw, alongwith other co-accused persons.

Learned counsel appearing on behalf of the petitioner submitted that due to village politics and local disputes, the petitioner has been falsely implicated in the present case. It is submitted that the tempo was over occupied and due to misunderstanding, petitioner has been falsely implicated in the present case. Even otherwise, it is highly improbable to molest the grand daughter by known villagers in the presence of her grand father. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes the prayer of bail.

In view of the facts and circumstances, as mentioned above and also by considering the nature of accusation, where petitioner is in custody since 06.05.2022 coupled with the fact that chargesheet has already been submitted, let the petitioner,



above named, is directed to be released on bail in connection with Bariyarpur P.S. Case No. 172 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge (POCSO Act)-cum-Additional Sessions Judge-VI, Munger/concerned Court, subject to the following conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(iii) That one of the bailors shall be Kamal Singh Chouhan, who is the father of



the petitioner and deponent of the present
bail petition.”

(Chandra Shekhar Jha, J)

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