

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39235 of 2022

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

1. Deepak Kumar Son of Mr. Akhilesh Ram Resident of village- Pokhara Tola, Laghunaha, PS- Chanpatiya, Dist- West champaran
2. Vivek Kumar Son of Mr. Madan Ram Resident of village- Pokhara Tola, Laghunaha, PS- Chanpatiya, Dist- West champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Sr. Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 30-09-2022 Heard Mr. Ajay Kumar Thakur, learned Senior Counsel for the petitioners and learned APP for the State in Virtual Court Proceeding.

Let the defect(s), if any, as pointed out by the office, be removed within four weeks.

The case is registered under sections 341, 323, 354, 354(A)/34 of the Indian Penal Code and Section 8, 12, 17 of the POCSO Act, in connection with Chanpatiya P.S. Case No. 121 of 2022.

The prosecution story, in brief, is that the informant has alleged that on 12.3.2022, his minor daughter 'X' was returning home after watching 'Hanuman Aradhana' and when she reached near the house, his neighbour namely Deepak Kumar, Vivek Kumar (the petitioners herein), Gautam Kumar and Dhiraj Kumar teased her.



Learned Senior Counsel submits that even going by the FIR and the statement made by the victim girl 'X', it is clear that the accused persons tried to tease her which cannot come in the definition outraging her modesty. It is his further submission that for the alleged teasing, they have suffered by being in custody since 14.6.2022 despite the fact that they do not have any criminal antecedent, and are students.

Learned counsel for the informant on the other hand submits that nowadays it has become common by a young boy to tease/outrage the modesty of the common girl/women at will which shows degradation of the society and in the said background, the petitioners do not deserve bail.

Be that as it may, the petitioners are in custody since 14.6.2022, both are young boys and need a chance to reform, have already suffered by being in custody since 14.6.2022, have no criminal antecedent and the charge-sheet stands submitted, this Court is inclined to grant him the privilege of bail.

Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Special Judge, POCSO cum A.D.J.-VI, West Champaran, Bettiah, in



connection with Chanpatiya P.S. Case No. 121 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Ravi/Ajay Singh

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