

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39585 of 2022

Arising Out of PS. Case No.-116 Year-2022 Thana- JAMHOR District- Aurangabad

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RANJAN KUMAR Son of Arun Yadav Resident of Village - Kurhma, P.S.-
Jamhore, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Krishna Kumar Verma, Advocate

For the Opposite Party/s : Mr.Sadanand Paswan,APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 30-09-2022 Heard Mr. Krishna Kumar Verma, learned counsel

for the petitioner and Mr. Sadanand Paswan, learned APP for the

State through video conferencing in view of the COVID 19.

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

The petitioner is an accused in connection with
Jamhore P.S. Case No. 116 of 2022 under Sections 341, 323,
354(B) 504 and 506 of the Indian Penal Code and Sections 3(i)
(m)(3)(w)(i)/3(2) V(a) of the S.C/S.T and Section 08 of the
POCSO Act.

As per the prosecution story, it is alleged that the
informant's daughter was returning from coaching institute and
as she reached near Railway crossing, all the accused persons
including the petitioner herein, harrassed her. On shouting, the



passerby gathered there and saved her whereafter, the family members of the victim girl went to complain at the house of accused. However, they were abused, assaulted and thus FIR.

Learned counsel for the petitioner submits that although, the allegation that has been made by the victim girl is condemnable, there is an omnibus allegation, the petitioner is young boy of 21 years and for the said alleged misconduct and/or at he has already suffered by being in custody since 21.05.2022.

He further submits that if released on bail he will abide by all the terms and conditions in course. If release on bail, the petitioner to reform himself would like to visit on his own the Government High School (Obra) for six months and will arrange the books in the library as also will go through the different books present there for one hour every Saturday as also another day of the week day to be chosen by him inasmuch as he will be visiting the said school/library twice a week for next six months and will keep a register in which his attendance could be signed by Vice Principal or Library-In-Charge.

Mr. Sadanand Paswan, learned APP, on the other hand, submits that a bare perusal of the FIR would show how the victim girl was harassed repeatedly by the accused persons



including the petitioner herein which hampered her education and must have left a deep impact in her mind.

Although, the allegation is definitely grave, in view of the different annexures that have been incorporated with the bail application showing him to be a student, is of 21 years of age, a chance has to be given to him to change his course of life, if he so wants, in custody since 21.05.2022, charge sheet stands submitted, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned Additional District and Sessions Judge cum Special Exclusive Judge (POCSO), Aurangabad in connection with Jamhore P.S. Case No. 116 of 2022, subject to the following conditions:-

(i) both the bailor should be the mother and father of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall visit Government High School, Obra for next six months twice a week and will remain in library for an hour arranging the books and will be certified by Librarian or any competent person;

(iii) 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;

(iv) 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 his bail bonds;

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

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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