

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40456 of 2022

Arising Out of PS. Case No.-314 Year-2020 Thana- BANMANKHI District- Purnia

GIRISH MANDAL @ GIRISH KUMAR S/O LATE LAXMI MANDAL
Resident of Mohalla- Banmankhi, Ward No.- 06, P.S.- Banmankhi , District-
Purnea.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhitabh Kumar, Advocate
For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-10-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

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

The petitioner is in judicial custody in connection
with Special (POCSO) Case No. 89 of 2020 arising out of
Banmankhi P.S. Case No. 314 of 2020 for the offences under
Sections 354(A), 354(B) and 341 of the Indian Penal Code and
Section 8, 10 of the POCSO Act.

As per the prosecution story, the informant, who
whenever visited the residence of petitioner for tuition, he used
to teased her. On 28.11.2020, the victim recorded all the act in
the mobile phone whereafter she sent video recording to her



friend through Whatsapp but unfortunately the video was made viral. Accordingly, the F.I.R. was lodged.

Learned counsel for the petitioner submits that without accepting the allegation made in the F.I.R., he is 62 years of age and as a penance want to do public/community service (for the allegation that has been attributed to him) for six months every week if released on bail. It is his further submission that the petitioner is in custody since 10.02.2022.

Learned APP, on the other hand, submits that considering the conduct of the petitioner, he do not deserve bail.

Considering the fact that the petitioner is 62 years of age is in custody since 10.02.2022, he do not have criminal antecedent and as per the averment made by the learned counsel for the petitioner, he is ready to do public/community service, this Court is inclined to grant him privilege of bail with strict conditions.

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 Special Judge (POCSO Act), Purnia in connection with Special (POCSO) Case No. 89 of 2020 corresponding to Banmankhi P.S. Case No. 314 of 2020, subject to the following conditions:-



(i) both the bailor will be his wife and son 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 visit the library of the Government High School, Purnia with the permission/approval of the Principal/Headmaster of the said school on Saturday evening after the school is over and Sunday morning to clean the library and reset the books and will remain in the library for at least two hours every Saturday/Sunday for next six months. In case of his absence the Principal/Headmaster shall report the matter to the learned Trial Court.

(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 the 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)

Jagdish/Neha/-

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