

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40907 of 2022

Arising Out of PS. Case No.-94 Year-2021 Thana- LADAIYATAR District- Munger

Mithlesh Kumar @ Mithlesh Yadav @ Mithilesh Kumar Son of Pago Yadav
@ Rameshwar Yadav R/O Village- Inarbatar, P.S.- Laraiyatar, District-
Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the State : Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 06-12-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP 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
Laraiyatar P.S. Case No. 94 of 2021 registered for the offence
under Sections 354(B), 354(D), 509 and 34 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 14.06.2022.

The allegation against the petitioner is to outrage the
modesty of minor daughter of the informant, alongwith other
co-accused persons, while she went to the near field to attend



nature's call, at about 6 pm.

Learned counsel appearing on behalf of the petitioner submitted that the allegation, as regard to outrage the modesty, is very much general and omnibus against this petitioner. It is submitted that co-accused, having more serious allegation, has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 39404 of 2022 dated 02.11.2022, whereas, the allegation against this petitioner is only to snatch a mobile, without having any allegation towards sexual assault. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, 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, as allegation, as regard to outrage the modesty, is very much general and omnibus coupled with the fact that chargesheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Laraiyatar P.S. Case No. 94 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 conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

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