

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51148 of 2021**

Arising Out of PS. Case No.-15 Year-2021 Thana- DEWARIA District- Muzaffarpur

SHANKAR SAH S/o BOTU SAH R/o VILLAGE-DEORIYA KHARWAR
TOLA, P.S.-DEORIYA, DISTRICT- MUZAFFARPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Upendra Kumar Chaubey, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 03-02-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioner seeks regular bail in connection with
Deoriya P.S. Case No. 15 of 2021 instituted for the offences
under Sections 341, 323, 380, 354(b), 302, 504/34 of the Indian
Penal Code read with Sections 4 and 12 of the Protection of
Children from Sexual Offenses Act, 2012.

Learned counsel for the petitioner submits that the
petitioner is in custody since 04.02.2021, is a person with clean
antecedent, is aged about 67 years and charge-sheet has been
submitted.

The informant alleges that the informant and her three
daughters were sleeping in the house when the petitioner's son



(Pintu Kumar) entered into the house of the informant and tried to remove the blanket of her daughters, accordingly, her elder daughter woke up and raised halla and the son of the petitioner fled away and when the informant along with her daughters went to the house of the petitioner to inquire, they were abused and assaulted by the named family members of the petitioner including the petitioner and further on account of assault her daughter aged about 15 years died.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and from perusal of the inquest report at Annexure-2, it would manifest that the same records that the witnesses have not stated the reason of death. Further it is submitted that the postmortem report which is annexed as Annexure-3 clearly records that no internal and external injury was found, as such, the allegation that on account of assault, the daughter of the informant died gets belied. Learned counsel further submits that the police after investigation submitted Charge-Sheet No. 45 of 2021, dated 02.04.2021 under Sections 458, 354(B), 504, 506 and 34 of the Indian Penal Code read with Sections 4 and 12 of the POCSO Act. Learned counsel next submits that no offence in nature of the allegation as alleged under the POCSO Act is made out.



Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody, is a person with clean antecedent, charge-sheet has been submitted and taking into consideration the submission made by the learned counsel for the petitioner, let the petitioner above named be released on bail on furnishing bail bond of Rs.2,000/- (Rupees Two Thousand) with two sureties of the like amount each to the satisfaction of learned 7th Additional Sessions Judge-cum-Special Judge, POCSO, Muzaffarpur in connection with Deoriya P.S. Case No. 15 of 2021.

(Satyavrat Verma, J)

Kundan/-

U		T	
---	--	---	--

