

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51594 of 2021

Arising Out of PS. Case No.-425 Year-2021 Thana- MUFFASIL District- West Champaran

Sanjay Kumar @ Sanjay Patel S/o Rajendra Prasad Patel Resident of Village-
Barwat Prasrain, P.S.- Bettiah Muffasil, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ashoni Kumar S/o Nandu Raut Resident of Vill- I.T.I Colony, P.S.- Muffasil,
Dist- West Champaran. through his father and natural guardian, Nandu Raut
S/o Late Chhotelal Raut, Resident of Village- I.T.I. Colony, P.S.- Muffasil,
District- West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Adv.
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 09-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Bettiah (Muffasil) P.S. Case No. 425 of 2021 lodged under
Sections 323/504/506/325 of the I.P.C. read with Section 12/18
of the POCSO Act and 3(1)(r)(s) of the SC/ST (POA) Act.

As per the prosecution case, the informant went to the
house of one Rani Devi and when she went to the market to buy
some vegetables, then all of a sudden the petitioner entered in
the house and asked the informant to sit on his lap starting

opening the chain of his pant and asked her to catch his private part but the informant denied to do so. In the meantime, the mother of the informant reached there and saved her. This is the allegation against the present petitioner.

Learned counsel for the petitioner submits that from the F.I.R. itself, it transpires that the alleged date of occurrence is 08.07.2021, whereas the present F.I.R. has been lodged after delay of 4 days that is on 12.07.2021, whereas the distance between the place of occurrence and the Police Station is just 5 km. Learned counsel further submits that the present F.I.R. has been lodged under a deep rooted conspiracy due to the reason that the petitioner had purchased a piece of land in the month of March 2021. The father of the victim was claiming his share and demanding money from the petitioner that his brother had sold his land but his share is also there in the said matter and when the petitioner was not ready to pay money, the present case has been lodged. Petitioner has annexed a copy of sale deed which he purchased from one Raju Raut who is uncle of the alleged victim.

Learned counsel for the petitioner further submits that petitioner is in custody since 13.07.2021 by way of filing supplementary affidavit, he has shown that there is one criminal

antecedent against him in which he is on bail. He submits that charge sheet has already been filed in this case. Learned counsel submits that as per his knowledge, charge has already been framed in this case.

Learned counsel for the State opposes the prayer for bail and submits that in the statement under Section 164 of Cr.P.C., the victim has supported the contents of the F.I.R.

In the present facts and circumstances of this case and the submissions made above, I am of the view that there are 4 days delay in filing the F.I.R. which is not explained anywhere. In this circumstance, the petitioner above named, is directed to be released on furnishing bail bond of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, POCSO-CUM-Additional Sessions Judge-VI, Bettiah, West Champaran in connection with Bettiah (Muffasil) P.S. Case No. 425 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of

his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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