

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53889 of 2021

Arising Out of PS. Case No.-36 Year-2021 Thana- CHAORI District- Bhojpur

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Bajrangi Sharma Son Of Umesh Sharma R/O Village- Kosiya, P.S.- Chauri,
District- Bhojpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

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

For the Opposite Party/s : Mr.Binay Krishna, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

5 28-04-2022 Heard counsel for the parties.

The petitioner is in judicial custody since 31.3.2021 in connection with Chauri P.S. Case No. 36 of 2021(POCSO Case No. 36 of 2021) under sections 341, 323, 504, 506, 376/511, 354/34 of the Indian Penal Code, Section 10 of POCSO Act and Section 3(1)(r)(s)(w)(i) and 3(2)(va) of SC/ST (Prevention of Atrocities) Act.

The prosecution story, as it unfolds, is that the informant alleged that her dumb minor girl aged about 13 years had gone to attend the call of nature. This petitioner came up and forcibly grabbed her hand and tried to take her in the wheat field with the bad intention. The dumb victim girl anyhow got herself free from the clutches of this petitioner and went her home. Thereafter, it is alleged that this petitioner not only



threatened the victim and the informant but also used their caste name and when the father of the victim girl tried to counsel him, he too was threatened and caste named was again used.

In this case, case diary as also medical report was called for.

The learned counsel APP after going through the case diary submits that so far as this petitioner is concerned, there is no criminal antecedent against him and the medical report also shows no sign of rape.

Learned counsel for the petitioner submits that even going by the FIR, it has been alleged that the petitioner grabbed her hand and took her in the wheat field with an intention to commit rape but the victim girl anyhow got freed herself from this petitioner. He further submits that the petitioner is in judicial custody since 31.3.2021 and as such he deserves bail.

Taking into account the aforesaid fact, the submission of the learned APP, the medical report as also the fact that charge-sheet has already been submitted and the petitioner is in custody since 31.3.2021; this Court is inclined to grant him the 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 Sessions Judge-VI, Bhojpur at Ara, in connection with POCSO Case No. 30 of 2021 arising out of Chauri P.S. Case No. 36 of 2021 subject to the following conditions:-

(i) one of the bailors should be the family members 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 reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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