

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54741 of 2021

Arising Out of PS. Case No.-67 Year-2021 Thana- MAHNAR District- Vaishali

Suraj Kumar @ Suraj Sah, Son of Ram Pukar Sah, Resident of Village-
Congress Mohalla, Ward No.10, P.S.- Mahnar, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 06-05-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Mahnar P.S. Case No. 67 of 2021 (POCSO
Case No. 08 of 2021) for the offences punishable under Sections
447, 341, 342, 504, 323, 379, 380/34 of the Indian Penal Code
and Section 11 of the POCSO Act.

As per prosecution case, it is alleged that on
23.02.2021 while the informant was arranging bricks, in the
meantime, all the named accused persons including this
petitioner entered inside her house and petitioner took away her



daughter, aged about 12 years, to the house of one Anita Devi and started sexually harassing her, on which her daughter started crying. On hulla, her elder daughter went to save her then they also assaulted her and co-accused entered inside the house and took away Rs.50,000/- and also other valuables.

It is submitted on behalf of the learned counsel for the petitioner that the informant is non-else but the own aunty of the petitioner, as the petitioner's father and informant's husband are own brothers and the victim is own cousin of the petitioner and, as such, the allegation of harassing the victim in public view in presence of father, uncle and brother that too at 12.00 in the afternoon seems to be improbable and concocted story. The bone of contention of the dispute is that the informant being dissatisfied with the share given in a family partition started pressurizing the family of the petitioner and others by instituting a false case. It is also submitted that even the local villagers of the vicinity had filed a public petition before the Superintendent of Police, Vaishali at Hajipur requesting therein that the petitioner and others have been falsely implicated in this case and, as such, a proper investigation is required in the matter. It is also submitted that the statement of the victim under Section 164 of the Cr.P.C. has been recorded after one month of the



occurrence, but even in her statement she does not specifically mention as to how she was sexually harassed. It is next submitted that the petitioner is a student preparing for competitive examination and having fair antecedent and he himself surrendered on 13.08.2021 and since then he is in custody. It is lastly submitted that the informant was also examined by the Medical Officer, Mahnar, Vaishali and except pain in right leg and headache, no external injury has been found. However at the request of her attendant she was referred to Sadar Hospital, Hajipur.

On the other hand, learned APP for the State submits that there is allegation against this petitioner that he sexually harassed the victim, aged about 12 years, apart from other allegations.

Having considered the submission made on behalf of the parties and taking into consideration the fact that the present dispute appears to be a family dispute giving rise to the institution of the present case by implicating all the family members. This Court also finds that the informant is own aunty of the petitioner and the victim is his own cousin and it appears to be improbable that such occurrence in presence of father, uncle and brother could have taken place in a broad day light, apart



from the fact that the petitioner is a student and having clean antecedent and he himself surrendered on 13.08.2021, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court POCSO- cum- Children Court- cum- Additional Sessions Judge-VI, Vaishali at Hajipur in connection with Mahnar P.S. Case No. 67 of 2021 (POCSO Case No. 8 of 2021), subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial. (ii) He will remain present on each and every date of trial till disposal of the case. (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial. (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be automatically cancelled.

(Harish Kumar, J)

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