

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45969 of 2022

Arising Out of PS. Case No.-347 Year-2022 Thana- FATUA District- Patna

Sanjay Kumar Son Of Raju Sah Resident Of Village - Bairiya Jolbigha, P.S.-
Gopalpur, Distt.- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Rajendra Singh Shashtri, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 16-12-2022 The learned counsel for the petitioner is directed

to remove all the defects pointed out by the Stamp Reporter

within one month.

Heard learned counsel for the petitioner and the
learned APP for the State through video conferencing.

Petitioner seeks regular bail in connection with Fatuha
P.S. Case No. 347 of 2022 registered for the offences punishable
under Sections 323, 341, 354 and 34 of the Indian Penal Code
and Sections 8 and 10 of the POCSO Act.

Allegedly, this petitioner and co-accused Chandan
Kumar who used to drive a *tempo*, always teased the
informant's minor daughter and also misbehaved with her when
the victim was taking ride on the *tempo* of the accused person
for the purpose of going to school and later on in following with



the complaint filed by the informant the accused person including the petitioner were apprehended by the police and the *tempo* which was used by the accused persons was also seized.

The main submissions advanced by the learned counsel Mr. Sunil Kumar Singh appearing for the petitioner are that the alleged offences under Section 354 of I.P.C as well as under Sections 8/10 of POCSO Act under which the FIR has been registered, are not made out in this case, there is no independent witness in support of the allegations made in the FIR, while as per the prosecution story several persons being independent persons were stated to be present at the alleged place of occurrence. Further submission is that on the person of the victim any injury mark was not found and the petitioner has been languishing in jail since 12.05.2022 and one co-accused Chandan Kumar is on bail.

Learned APP Mr. Rajendra Singh Shashtri appearing for the State has opposed the bail prayer.

Having regard to the facts and circumstances of this case, considering the above submissions and mainly taking into account the petitioner's clean antecedent and his custody period and also the defence of the petitioner as to non-availability of any injury report of the victim, in the opinion of



this Court a lenient approach can be taken in respect of the petitioner’s prayer, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Fatuha P.S. Case No. 347 of 2022.

(Shailendra Singh, J.)

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