

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58015 of 2021

Arising Out of PS. Case No.-15 Year-2021 Thana- DINARA District- Rohtas

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Mantu Kumar Son of Late Lal Muni Paswan @ Lal Muni Ram Resident of
Village - Motha, P.s.- Karakat, Distt.- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 18-05-2022 Let the defects, if any, be removed within four weeks
from today.

Heard Mr. Pankaj Kumar Sinha, learned counsel for
the petitioner as well as learned Mr. Sumiran Roy, Additional
Public Prosecutor for the State.

Supplementary affidavit has been filed on behalf of
the petitioner which has been kept on record.

Petitioner seeks bail in a case registered in connection
with POCSO Case No. 27 of 2021 corresponding to Dinara
P.S.Case No. 15 of 2021 for the offences punishable under
Sections 341, 323, 377 of the Indian Penal Code section 8,12 of
the POCSO Act.

As per the prosecution case, it is alleged that on
17.01.2021 at about 10 am while the son of the informant aged



about 11 years had gone to herding and returned at 1 pm. He told to the informant that this petitioner had locked in a room and thereafter committed immoral act.

It is submitted on behalf of the learned counsel for the petitioner that during pendency of this application the trial of this petitioner has proceeded and altogether five prosecution witnesses have been examined by the learned Additional Sessions Judge cum Exclusive Special Court, Rohtas at Sasaram on 10.02.2022 to 28.02.2022 and 09.03.2022 to 23.03.2022 respectively but non of the prosecution witnesses supported the prosecution case and as such nothing remained in the present case.

On the other hand, learned Additional Public prosecution for the State opposed the bail application of the petitioner but fairly submits that though during the course of investigation, the witnesses had supported the prosecution case but as they have not supported the prosecution case in the trial nothing remained in this case.

Having considered the contentions of the parties and taking into consideration the fact that during the course of trial non of the prosecution witnesses had supported the prosecution case, let the petitioner, above named, who is in custody since



19.01.202 be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge -VII cum Exclusive Special Court (POCSO), rohtas at Sasaram in connection with Dinara P.S.Case No. 15 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 cancelled.

(Harish Kumar, J.)

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