

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55923 of 2021**

Arising Out of PS. Case No.-82 Year-2021 Thana- EKANGARSARAI District- Nalanda

Kedar Pandit, S/O Late Jagdish Pandit, R/O Village-Karanganj, P.S-
Ekangarsarai, District-Nalanda.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Akhileshwar Dayal, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 31-03-2022 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within two weeks

after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with G.R. No. 1781/2021/POCSO Case No. 52/2021
arising out of Ekangarsarai P.S. Case No. 82 of 2021 registered
for the offences punishable under Sections 341, 323, 354(b) of
the Indian Penal Code and Section 8/10 of POCSO Act. Later on
Section 376/511 of the Indian Penal Code and Section 18 of the
POCSO Act was added. He is in custody since 26.03.2021. The
petitioner has got no criminal antecedent.

As per prosecution story, this petitioner had disrobed



the victim girl but on hulla people came there and caught hold of the petitioner and thereafter he was sent to the Police Station.

Learned counsel for the petitioner submits that in course of investigation Police submitted a chargesheet under Sections 341, 323, 354(b) of the Indian Penal Code and Section 8/10 of the POCSO Act but the learned court below took cognizance of the offences under Sections 376/511 IPC and Section 18 of the POCSO Act.

Learned counsel for the petitioner has drawn the attention of this Court towards the deposition of the victim girl and her mother who have deposed as P.W. 1 and P.W. 2. The victim and her mother have not supported the prosecution case and they have stated that because the crops of this petitioner were damaged by the victim and for this reason the petitioner had given two slaps to her, this case was lodged against him. They have specifically stated that this petitioner has not committed any wrong act.

Mr. Akhileshwar Dayal, learned APP for the State does not dispute that the victim and her mother have not supported the prosecution case.

Having regard to the materials placed before this Court as discussed above, wherein neither the victim nor her



mother are supporting the prosecution case, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-VIIth-cum-Special Judge, POCSO Act, Nalanda at Bihar Sharif in connection with G.R. No. 1781/2021/POCSO Case No. 52/2021 arising out of Ekangarsarai P.S. Case No. 82 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

