

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47528 of 2022

Arising Out of PS. Case No.-47 Year-2022 Thana- TARAPUR District- Munger

Shivan Das @ Shibo Das S/o Late Ghoghai Das Resident of Village-
Manikpur, P.s.- Tarapur, Distt- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Jyoti Ranjan Jha, Adv.
For the Opposite Party/s : Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 05-12-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Tarapur P.S. Case No. 47 of 2022 lodged under Sections 457
and 354B of the I.P.C. read with Section 8 of the POCSO Act.

As per the prosecution case, the informant has alleged
that the petitioner in the night about 12 O' clock entered in the
house of the informant and upon the cry of her daughter,
informant reached there and has seen the petitioner who fled
away from informant's house.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He also

submits that the informant is bhabhi of the petitioner and there is consistent dispute going on between two brothers. Learned counsel further submits that the petitioner is residing in a separate house adjacent to the informant's house and in statement under Section 164 of Cr.P.C., the alleged victim also accepts that the dispute prior to the said event has also taken place. Learned counsel also submits that petitioner is a married person who has wife and four children.

Learned A.P.P. for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge (POCSO Act)-cum-A.D.J VI Munger in connection with Tarapur P.S. Case No. 47 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of

his bail bond.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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