

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57372 of 2021

Arising Out of PS. Case No.-77 Year-2021 Thana- KHODAWANDPUR District- Begusarai

Ram Gyan Mahto S/o Ram Prakash Mahto R/o Village- Mirjapur Jarhi, P.S.-
Rosara, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advodate.

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-04-2022 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

The present application has been filed on behalf of the petitioner, above named, for grant of regular bail to the petitioner who has been made accused and put behind the bars in connection with Khodabandpur P. S. Case No. 77 of 2021 giving rise to POCSO Case No. 43 of 2021 registered for the offences punishable under Section 366 and 497 of the Indian Penal Code and Section 8 of POCSO Act.

It is submitted by the learned counsel for the petitioner that later on charge-sheet has been submitted under Sections 366A and 494 of I.P.C. and Section 8 of POCSO Act.

The prosecution case as alleged in the F.I.R. is that this petitioner seduced the daughter of the informant aged about



19 years with intention to marry her. It is further alleged that the petitioner was married and having three children and since he used to come to his house due to he being relative and, as such, this F.I.R. has been instituted.

It is submitted on behalf of the petitioner that the petitioner happens to be relative and he used to come to the house. However, it is submitted that the incident has occurred on 02.04.2021 whereas this F.I.R. has been registered on 08.04.2021. It is next submitted that the statement of the victim has also been recorded and she was examined by learned Court below where she categorically stated that she voluntarily left her home and went to the house of her sister. It is further stated that the name of the petitioner have been implicated only on suspicion. The deposition of the informant was also made before the Court below and she has also denied the prosecution case and submitted that this case has been instituted on suspicion.

On the other hand, learned APP for the State fairly submits that the deposition of the victim and the informant have already been made and they have not supported the prosecution case.

Having considered the submissions of the parties and taking into consideration, the deposition made by the victim



denying the allegation made in the prosecution case, let this petitioner, above named, 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 Additional Sessions Judge VI-cum-Special Judge, POCSO Act, Begusarai in connection with Khodabandpur P. S. Case No. 77 of 2021, subject to the condition that one of the bailors will be the close relative 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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