

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57283 of 2021

Arising Out of PS. Case No.-65 Year-2020 Thana- BAGHA District- West Champaran

1. SHAMBHU KEWAT @ SHAMBHU MAHATO @ SHAMBHU KEWAL Son of Prasidh Kewat @ Prasidhnath Mahto Resident of Village - Deurawa, P.s.- Bhairoganj, Distt.- West Champaran.
2. PATRU KEWAT @ PATRU KEWAL @ RADHESHWAR MAHATO Son of Prasidh Kewat @ Prasidhnath Mahto Resident of Village - Deurawa, P.s.- Bhairoganj, Distt.- West Champaran.
3. RAMESHWAR KEWAT @ RAMESHWAR MAHATO @ RAMESHWAR KEWAL Son of Late Mukti Kewat @ Mukti Nath Mahto Resident of Village - Deurawa, P.s.- Bhairoganj, Distt.- West Champaran.

... .. Petitioners

Versus

The State of Bihar Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey
For the Opposite Party/s : Ms.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 31-01-2022 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State in virtual court proceeding.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioners seek bail in connection with Bagaha (Bhairoganj) P.S. Case No. 65 of 2020 registered for the offences punishable under Sections 354A, 341, 323, 504/34 of the IPC and Section 12 of POCSO Act as well as Section 3(i)(r)



(s) of SC/ST (POA) Act.

The prosecution story, in brief, is that the informant alleges that on 18.01.2020 his daughter along with others had gone to coaching class and when she was returning to her home, accused persons, namely, Pappu Kewat, Niranjana Kewat and Ravindra Mahato teased the informant's daughter besides other girl and asked for their mobile numbers. When the aforesaid incident was narrated before the informant, he had gone to the house of co-accused persons to complain this matter but the petitioners who are father of aforesaid accused persons abused the informant and ousted him from their house.

Learned counsel for the petitioners submits that petitioners have clean antecedent and have committed no offence and they have falsely been implicated in the present case. It is further submitted that it appears from the FIR itself that there is no specific allegation against the petitioners. Petitioners are father of the accused persons and allegation against them is that they have not taken action against their sons. Petitioners are in custody since 02.08.2021.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances, let



the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-7th cum Special Judge (POCSO), Bettiah, West Champaran in connection with Bagaha (Bhairoganj) P.S. Case No. 65 of 2020, subject to the following conditions:-

1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail



bond of the petitioners. 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.

(Rajesh Kumar Verma, J)

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