

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49046 of 2022

Arising Out of PS. Case No.-636 Year-2021 Thana- SIKARPUR District- West Champaran

Khajanchi Prasad, (Male), aged about 65 years, Son of Late Mahanth Raut,
Resident of Village - Nuneyatola, P.S.- Shikarpur, District - West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ram Adya Singh, Adv.

For the Opposite Party : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 09-12-2022 This matter has been taken up today for consideration
through video conferencing.

Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in connection with Shikarpur P.S.
Case No. 636/2021 registered for the offence punishable under
Section 354 of the Indian Penal Code and Sections 8, 12 of
POCSO Act.

Learned counsel for the petitioner submits that while the
informant's daughter had gone to attend the call of nature, it is
alleged that the petitioner has tried to drag her in the sugarcane
field with wrong intention and on being seen by the informant, he
has fled away. It is submitted by learned counsel for the
petitioner that the petitioner is an elderly person aged about 65



years. It is a case of false implication and the allegations even if taken on its face value does not make out any offence under the POCSO Act. He is in custody since his surrender on 28.06.2022. A final report (Annexure-2) has been submitted by the police finding the case to be false on account of lack of any evidence. The final report is based on affidavit filed by the informant as well as the statement of the victim girl, both denying the allegation and stating that the same was lodged due to misunderstanding. Petitioner has also no criminal antecedents.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge- VIIth -Cum- Special Judge (POCSO) Bettiah (West Champaran), in connection with Shikarpur P.S. Case No. 636/2021, subject to the following conditions:-



(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

Raj kishore/-

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