

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.50308 of 2022**

Arising Out of PS. Case No.-31 Year-2021 Thana- RAJPUR District- Buxar

MANTU RAJBHAR S/O RAMJI RAJBHAR Resident of Village- Rampur,
P.S.- Rajpur, Distirct- Buxar.

... .. Petitioner

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ravi Shankar Pathak, Advocate

For the Opposite Party/s : Mr.Fahimuddin, APP

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

2 23-12-2022 Learned counsel for the petitioner undertakes to
remove the SR defects by 16th January, 2023.

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

Petitioner, in the present case, is seeking regular bail
in connection with Rajpur P.S. Case No. 31/2021 (POCSO Case
No. 15/2021) registered for the offences punishable under
Section 452, 379, 354(B) of the Indian Penal Code and later on
added section 8/12 of POCSO Act. He is in custody since
31.01.2021 having no criminal antecedent as stated in paragraph
'3' of the application.

As per the prosecution story, the informant alleged
that while she was sleeping over the roof in the night and her
family members were sleeping at other place, in the meantime,



the petitioner came and caught hold of her hand, molested with her and also touched her body and when she cried he fled away.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that the victim girl is saying that she is 20 years old and her marriage has been solemnized in June 2021 as also she has nothing said about this petitioner in her deposition.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case particularly the deposition of the victim girl (Annexure 2 to the application) saying that she is 20 years old and her marriage has been solemnized in June 2021 and that there was no indecent behaviour with her and she could not say anything about this petitioner, therefore this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.D.J. - Vth – cum Special Court of POCSO Act at Buxar in connection with Rajpur P.S. Case No. 31/2021 (POCSO Case No. 15/2021), 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 step 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.

Certified copy of this order shall be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

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