

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63219 of 2021

Arising Out of PS. Case No.-148 Year-2021 Thana- TARARI District- Bhojpur

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AJIT SINGH S/o Late Jugdeep Singh R/o Village- Jethwar, P.S.- Tarai,
District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Advocate
For the State : Mr.Ajay Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 22-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Tarari P.S. Case No. 148 of 2021 registered for the alleged offences under Sections 354 (B) of the Indian Penal Code and under Section 8 of the POCSO Act.

As per prosecution case, the petitioner is the father of the victim girl and the allegation against him that he molested his minor daughter.

Learned counsel for the petitioner submits that there is dispute between the petitioner and the informant who is the



mother of the victim girl. The informant is not an eye witness. The informant has left the house of the petitioner and on her instruction, the minor girl has made the alleged statement against her father. Though the brother and sister of the victim girl were also present at the place of occurrence, they were not examined by the police. The dispute is between the wife and the husband and the daughter has been used as a medium to settle score. It is not believable that the father will commit such type of act with his daughter and whole allegation is not trustworthy. Charge sheet has been submitted in this case and the petitioner is in custody since 03.09.2021.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the victim girl is a minor and even in the statement recorded before the learned magistrate under Section 164 of the Cr.P.C., she has stated that the petitioner came and tried to open her under garments. However, learned APP concedes that there is dispute between the petitioner and his wife and this fact was also mentioned in the FIR.

Perused the records.

Having regard to the facts and circumstances and considering the fact that there is possibility of false implication



and further considering the relationship of the petitioner with the victim girl and submission of charge sheet along with his period of custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. 6th or concern court Bhojpur at Ara in connection with Tarari P.S. Case No. 148 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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