

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53729 of 2022

Arising Out of PS. Case No.-68 Year-2022 Thana- PUPRI District- Sitamarhi

Md. Lal Babu @ Md. Lal, Son of Late Md. Shamsul @ Late Md. Shamshul
Haque, Resident of Village - Gangwara, Ward no.14, P.S.- Pupri, District-
Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 23-12-2022 This matter has been listed today for consideration
through Video Conferencing.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

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

The petitioner seeks bail in connection with Pupri
P.S. Case No. 68 of 2022 registered for the offence punishable
under Sections 341, 323,377,354(B), 506/34 of the Indian Penal
Code and Section 4 of the POCSO Act.

As per FIR, the prosecution case is that the son of the
petitioner committed unnatural offence with the minor son of
the informant upon which she complained about the occurrence



to the petitioner, she was assaulted by the petitioner and his family members and also threatened to kill all family members of informant if not keeping mum.

Learned counsel for the petitioner submits that there is no specific allegation of overt act against the petitioner. There is land dispute and previous enmity between family of the informant and petitioner. Therefore, the entire alleged prosecution case is false and concocted. The present case has been lodged after eight days of the occurrence. The petitioner is 62 years old, suffering from several ailments. He is in custody since 09.06.2022. There is one criminal antecedent against the petitioner in which he is on bail.

Learned APP for the State opposes the prayer of bail.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District Judge-VI-cum-Special Judge (POCSO), Sitamarhi, in connection with Pupri P.S. Case No. 68 of 2022.

(Sunil Dutta Mishra, J)

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