

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64356 of 2021

Arising Out of PS. Case No.-217 Year-2021 Thana- BIHIA District- Bhojpur

Santosh Tiwari @ Shailendra Tiwary S/o Parasuram Tiwari R/o village-
Mirachak, P.S.- Bihiya, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Praveen Kumar, Advocate
For the Opposite Party/s	:	Mr. APP
For the Informant	:	Mr. Radhe Shyam Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 17-08-2022 Heard learned counsel appearing on behalf of the
petitioner, learned APP appearing on behalf of the State and
learned counsel appearing on behalf of the informant.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Bihiya
P.S. Case No. 217 of 2021 registered for the offence under
Sections 147, 354, 354(A), 354(B), 447, 504 and 506 of the
Indian Penal Code and Sections 8 and 12 of the POCSO Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 23.09.2021.

The allegation against the petitioner is to outrage the
modesty of the informant, who is minor, alongwith other co-



accused/family members.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner has been falsely implicated in this case, alongwith his family members for previous long standing land dispute. It is also submitted that title of the land dispute was decided in favour of the father of the petitioner, where father of the informant is co-sharer. It is also submitted that prior to this case, a case was also lodged by the informant, but as the provision of POCSO was not inserted thereof, subsequently, to make the allegation aggravated the present false case has been lodged. It is further submitted that the earlier case, which was lodged as Bihiya P.S. No. 167 of 2021, is still under investigation, where petitioner is on bail. It is submitted that it is highly improbable that father is giving an order to his son to outrage the modesty of a minor girl, particularly, in context of Indian social framework. It is also submitted that the statement of the victim/informant was not recorded u/s 164 of the Cr.P.C. and she was also not medically examined. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel for the



informant, while opposing the prayer of bail, fairly conceded that land dispute is pending between the parties.

Trial Court report is suggestive of the fact that two witnesses are yet to be examined.

In view of the facts and circumstances, as mentioned above, and also by considering the custody period coupled with the fact that charge-sheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Bihiya P.S. Case No. 217 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI, Bhojpur, Ara, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

U		T	
---	--	---	--

