

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4895 of 2023

Arising Out of PS. Case No.-46 Year-2021 Thana- MAHILA P.S. District- Bhagalpur

MOTI MANDAL Son of Prakash Mandal Resident of village - Khurd
Lodipur, P.S.- Lodipur, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dilip Kumar, Adv.

For the Opposite Party/s : Mr.Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Learned counsel for the petitioner is permitted to
make necessary correction at the appropriate place in the bail
application during course of the day.

The petitioner seeks bail in connection with Bhagalpur
Mahila P.S. Case No. 46 of 2021 dated 11.07.2021 registered for
the offence under Sections 354(B), 323, 341, 504, 506/34 of the
Indian Penal Code and Section 8 of the POCSO Act.

The minor daughter of the informant is alleged to have
been subjected to molestation at the instance of petitioner and
when the informant along with her husband made protest, they
are subjected to assault and torture with threat.

Learned counsel appearing for the petitioner submits



that the petitioner is innocent and has falsely been implicated in this case. He further submits that the allegation, as alleged in the F.I.R, is false and fabricated as no such occurrence has taken place. He further submits that the police after investigation has submitted final form against the petitioner but the learned Magistrate deferring with police report took erroneously cognizance against the petitioner under Sections 354B of the Indian Penal Code and Section 8 of the POCSO Act. He further submits that the present case is nothing but a counter version of Lodipur P.S. Case No. 128 of 2021 lodged by the full brother of the petitioner against the informant and others. He further submits that no case under Section 354B of the Indian Penal Code is made out against the petitioner. The petitioner is rotting in judicial custody since 25.09.2022.

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

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Additional District and Sessions Judge-VI- Exclusive Special Judge, POCSO, Bhagalpur in connection with Bhagalpur Mahila P.S. Case No. 46 of 2021, POCSO Case No. 63 of 2021 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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.

(Rajesh Kumar Verma, J)

brajesh/-

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

