

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6200 of 2022

Arising Out of PS. Case No.-216 Year-2021 Thana- NAUBATPUR District- Patna

Bipin Bihari Giri, Son Of Sri Janmejay Giri, Resident Of Village- Fatehpur
Rampur Sahar, P.S.- Naubatpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv
Mr. Shivam, Adv
For the Opposite Party/s : Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

6 24-01-2023 Heard learned counsel for the petitioner and learned APP for the
State.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in connection with Naubatpur P.S. Case No. 216 of 2021 registered under Sections 342, 323, 376 of the Indian Penal Code and Sections 4, 6, 8, 12 of the POCSO Act.

The informant along with another person, allegedly minor female, had come to render a dance performance, wherein it is alleged that the petitioner was manifesting some bad intention which was objected. Two days later, it is alleged that the petitioner has established forcible physical relation with the informant and the other person who had come to render the performance.

Learned counsel for the petitioner submits that the medical examination of the victim does not support the allegation of forcible physical relation being established. The doctor has in fact stated in so many terms that there was no external and internal injury. It is further submitted



that other than the said doctor, the prosecution has not produced any witness till date whereas the petitioner continues to be in custody since 19.04.2021. There is one antecedent of the petitioner arising out of Naubatpur P.S. Case No. 110/2018, in which case he is on bail. It is further submitted that there is no compliance of Section 53A of Cr.P.C.

Learned APP has opposed the prayer for bail. She submits that the victims are minor and the petitioner has been made a named accused.

Considering the rival submissions, period of custody, as also the fact that there is virtually no progress at the trial for the last more than one and a half years, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VII-cum-Exclusive Special Court (POCSO Act), Patna in Naubatpur P.S. Case No. 216 of 2021, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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