

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25312 of 2023

Arising Out of PS. Case No.-349 Year-2021 Thana- TRIVENIGANJ District- Supaul

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Suman Kumar @ Sauman Son of Sakaldev Yadav Resident of Village-
Bhairiopatti, P.S.-Triveniganj, District-Supaul

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunit Kumar, Advocate

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

For the Informant : Mr. Sanjeev Verma, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioner, learned

counsel appearing on behalf of the informant as well as learned

Additional Public Prosecutor for the State.

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.

Petitioner seeks bail who is in custody since
12.10.2022 in connection with Triveniganj P.S. Case No. 349 of
2021, F.I.R. dated 04.11.2021 for the offences punishable under
Sections 254©, 354(A), 354(B), 341, 323, 326 and 506 of the
Indian Penal Code and Section 8 of the POCSO Act.

According to prosecution case, the petitioner had
clicked pictures of the informant without her permission and
attempted to allure her for favour. He also assaulted her and



threatened her of dire consequences.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the petitioner has not committed any offence as alleged in the F.I.R. and due to misunderstanding the present F.I.R. has been instituted by the informant. He further submits that no case is made out under the POCSO Act because the informant is major and the date of birth of the informant is 05.09.2003. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 12.10.2022.

The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that there is specific allegation against the petitioner that he assaulted the victim.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Additional District Judge-VI cum Special Judge, POCSO, Court, Supaul in



connection with Triveniganj P.S. Case No. 349 of 2021, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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)

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