

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21406 of 2023

Arising Out of PS. Case No.-18 Year-2020 Thana- PATNA GRP CASE District- Patna

Dharmendra Kumar Son Of Suresh Prasad Resident Of Village - Chero, Ward
No. 10, P.S. - Harnaut, District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Bihari Singh, Advocate

For the Opposite Party/s : Mrs. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

8 06-10-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner seeks bail in connection with Patna Junction Case P.S. case No. 18 of 2020 registered for the offence punishable under Sections 354 and 354(A) of the Indian Penal Code and Section 8 of POCSO Act.

3. The petitioner's prayer for bail was earlier rejected on 18.01.2021 in Cr. Misc. No. 27918 of 2020.

4. It is alleged that the petitioner has tried to take undue advantage of a minor aged about nine years who was sleeping at the railway platform along with her mother.

5. It is submitted that the petitioner's custody by now is 3 years 9 months. At the trial, two out of six charge-sheeted witnesses have only been examined. The learned counsel



reiterates the submissions, considering which the Court has earlier rejected the prayer on 18.01.2021. He submits that there is no independent witness, or any railway staff to support the allegation. Even the C.C.T.V. footage of the platform does not support the allegation.

6. Learned A.P.P. for the State, on the other hand, submits that in her statement under Section 164 Cr.P.C., the victim has supported the allegation.

7. Having regard to the long custody, this Court had called for report from the Trial Court. The last report is dated 19.06.2023 wherein it has been reported that even the victim and her mother have not deposed at the trial though bailable warrants have been issued for appearance of remaining charge-sheeted witnesses.

8. Having regard to the above situation and continued custody of the petitioner for about 3 years 9 months, the nature of submissions advanced for and against the petitioner's prayer for grant of bail and clean antecedent of the petitioner, I am inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

9. Let the 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 the learned A.D.J.-Vith-
cum-Special Judge, POCSO, Patna in connection with Patna
Junction P.S. case No. 18/2020.

(Madhuresh Prasad, J)

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