

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29479 of 2023

Arising Out of PS. Case No.-710 Year-2022 Thana- BIHTA District- Patna

Chhotu Thekedar @ Gaurav Kumar @ Chhotu, Son of Munna Mehra @
Munna Mehar, Resident of village-Musepur, P.S.-Bihta, District-Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 28-06-2023 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

The accused/petitioner seeks bail in connection with Special Case No.36 of 2023 arising out of Bihta P.S. Case No.710 of 2022 registered for the offences punishable under Sections 354-A and 354-B of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act, 2012.

The accused/petitioner named in the FIR and is in custody since 16.02.2023.

Allegation against the petitioner is to touch the minor daughter of informant aged about 11-12 years with sexual intent as to outrage her modesty.

It is submitted by learned counsel that admittedly petitioner was working as painter in the house of informant at



the time of occurrence and out of certain dispute related to payment, the present false implication was raised. It is submitted that the FIR was lodged in planned and formulated manner as it appears from its face and same also appears on the basis of hearsay input. It is further submitted that the narration is not supporting that alleged touch was made by this petitioner with sexual intent. While concluding argument, it is submitted that petitioner is a man of clean antecedent and moreover investigation of this case is completed for which charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer for grant of bail to the petitioner.

In view of the above-mentioned facts and circumstances and by taking note of nature of accusation, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 16.02.2023, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-VII-cum-Exclusive Special Court (POCSO Act), Patna in connection with



Special Case No. 36 of 2023 arising out of Bihta P.S. Case No.710 of 2022, subject to the conditions as laid down under Section 437(3) of the CrPC and with further conditions:-

(i) That Accused/petitioner shall not interact with informant and other prosecution witnesses so as to influence them during pendency of the trial;

(ii) That Accused/petitioner shall co-operate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioner duly supported by the documents; and

(iii) That one of the bailors shall be deponent of the present bail petition.

(Chandra Shekhar Jha, J.)

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