

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31251 of 2023

Arising Out of PS. Case No.-1158 Year-2022 Thana- PHULWARISHARIF District- Patna

Sandeep Kumar @ Sanjit Kumar @ Sanjit Raj son of Late Nandeshwar Chaudhary @ Chandeshwar Chaudhary Village- Hindui Ps- Fulwari Sharif, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 01-08-2023 Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

2. Let the defect(s), if any, be removed within a period of four weeks from today.

3. The petitioner seeks bail in connection with Special POCSO Case No. 143 of 2022 arising out of Fulwari Sarif P.S. Case No. 1158 of 2022 registered for the offence under Sections 341, 354, 323, 504, 506 and 34 of the Indian Penal Code and 12 of POCSO Act.

4. The accused/petitioner is named in the F.I.R. and is in custody since 21.01.2023.

5. The allegation against the petitioner is to outrage the modesty of minor daughter of informant aged about 16



years, while she was on way to her school on 15.09.2022.

6. Learned counsel appearing on behalf of the petitioner submitted that petitioner was falsely implicated with present case out of local dispute and differences. It is submitted that the present FIR was lodged with a delay of seven days without having any just explanation. It is further submitted that if the narration of FIR be taken into consideration, the said motorcycle was shown jointly occupied, suggesting that allegation regarding outraging is not specific against this petitioner, rather same is appearing general and omnibus. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP duly assisted by learned counsel, Mr. Manoj Kumar Upadhyay appearing for the informant while opposing the prayer of bail submitted that this petitioner alongwith his friends usually gathered near to the school and outrage the minor daughter of informant and other girls also. It is also submitted that some strict conditions be imposed, as informant and his family members receiving regular threat from



petitioner and his family members.

8. Considering the facts and circumstances as mentioned above, and by taking note of the fact as present F.I.R. was lodged with a delay of seven days coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 21.01.2023, accordingly, above named petitioner is directed to be released on bail in connection with Special POCSO Case No. 143 of 2022 arising out of Fulwari Sarif P.S. Case No. 1158 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Special POCSO Judge-cum-Additional District Judge VII, Patna/ concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C., with further conditions:

“(i) That accused/petitioner shall not interact with minor daughter of informant and also prosecution witnesses in whatsoever manner till the conclusion of trial, failing which the State/informant shall be at liberty to move before the trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate 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.

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

(Chandra Shekhar Jha, J)

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