

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30401 of 2023**

Arising Out of PS. Case No.-97 Year-2023 Thana- BARACHATTI District- Gaya

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SURAJ KUMAR SON OF SRI NARESH PRASAD Resident of Village-
Kharanti, P.S.- Bodh-Gaya, District-Gaya Petitioner/s
Versus

THE STATE OF BIHAR Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh, Advocate
For the Opposite Party/s : Mr.Arun Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 21-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Barachatti P.S. Case No. 97 of 2023 for the offence punishable under Sections 354 and 354C of the Indian Penal Code and section 8 and 12 of the Protection of Children from Sexual Offence and later sections 354B, 384, 376, 504, 506 and 509 of the Indian Penal Code and 67 and 67(A) of the Information and Technology Act and Section 3 and 4 of Protection of Children from Sexual Offence lodged on 22.1.2023 by the informant, Guriya Kumari.

As per the prosecution story, the petitioner snapped some indecent photograph of the victim girl and was blackmailing her. A Panchayati was held whereafter, he promised not to do the same again but later on, he went away from the promise and again started blackmailing which finally resulted into FIR.



Learned counsel for the petitioner submits that for the said alleged act, he has already suffered by being in custody since 22.02.2023 (para-12 of the petition), do not have criminal antecedent and undertakes not to have any communication/relationship either with the victim girl or the with her family members.

Learned APP opposes the prayer stating that the police when seized the mobile, indecent photo of the victim girl was found.

Taking into account the aforesaid fact, his period of custody, he do not have any criminal antecedent and is ready to abide by all terms and conditions, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Exclusive Special Judge, POCSO-cum-Additional Sessions Judge-VII, Gaya, in connection with Barachatti P.S. Case No. 97 of 2023 subject to the following conditions:

(i) he will have no communication or the relationship either with the victim girl or her family members.

(ii) one of the bailor should be the family member of



the petitioner who shall provide official document to show his bona fide;

(iii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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