

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31367 of 2023

Arising Out of PS. Case No.-346 Year-2022 Thana- CHOUTARWA District- West
Champaran

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DEVENDRA SHARMA SON OF VISHUNDEV SHARMA R/O-MEHADI,
P.S.-CHOUTARWA, DISTT.-WEST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Amit Narayan, Advocate
		Mr. Brajesh Sahay, Advocate
		Mr. Abhigyan Kumar, Advocate
		Mr. Krishna Prasad, Advocate
For the Opposite Party/s :		Mr. Sadanand Paswan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is an accused in connection with
Chautarwa P.S. Case No. 346 of 2022 registered for the offences
under sections 458, 504, 506, 354B, 342 and 34 of the Indian
Penal, section 8 of the POCSO Act and sections 3(1)(r)(s) of the
Scheduled Castes & Scheduled Tribes (Prevention of Atrocities)
Act Code lodged on 28.09.2022 by the informant, Prabhu
Paswan.

As per the prosecution story, the allegation is that on



25.09.2022 when the informant was sleeping, specific allegation is against one Vishnudev Sharma that he came inside and tried to molest his minor daughter. When this was protested the accused abused the informant's people, took their caste name and further when the victim girl returned, she alleged molestation as also tearing of her cloth. Accordingly, the FIR.

Learned Counsel for the petitioner submits that there is a land dispute between the parties and a Title Suit No. 2 of 2020 is pending in the Court of learned Munsif, Bagaha, West Champaran and this led to lodging of number of cases against him/family members by the informant's side which reflects in the criminal antecedent in paragraph-3.

He further submits that in any case, the main allegation is against Vishnudev Sharma in which he being the family member has also been dragged in this case.

Learned APP for the State, on the other hand, opposes the prayer for bail.

Considering the fact that the prosecution story starts with the name of Vishnudev Sharma against whom main allegation has been made, there is a civil case suit pending between the parties, omnibus allegation against the petitioner herein has made, is in custody since 25.03.2023 (as stated in



paragraph-8 of the bail application), this Court is inclined to extend him privilege of bail.

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 the learned Additional District & Sessions Judge-VII-Cum-Special Judge (POCSO), West Champaran in connection with Chautarwa P.S. Case No. 346 of 2022, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) 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/her bail bond by the Trial court itself;

(iii) 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 his 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 the bail bonds.



With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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