

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31545 of 2023

Arising Out of PS. Case No.-311 Year-2023 Thana- KANKARBAG District- Patna

Jagdish Singh Son of Late Wakil Singh Resident of Ashok Nagar Road No. 1,
P.S. - Kankarbagh, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ajay Kumar Thakur, Advocate Mr. Ritwik Thakur, Advocate Ms. Vaishnavi Singh, Advocate
For the Opposite Party/s :	Mr. Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-06-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

The petitioner seeks bail in connection with
Kankarbagh P.S. Case No. 311 of 2023 registered for the
offence under Sections 354-A and 354-B of the Indian Penal
Code and under Sections 8/12 of the Protection of Children
from Sexual Offenders (POCSO) Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 20.03.2023.

The allegation against the petitioner is to outrage the
modesty of minor daughter of the informant aged about five
years, who is none but cousin grandfather of the victim girl aged
about 76 years old.

Learned counsel appearing on behalf of the petitioner



submitted that the age of petitioner is 76 years old and the relations of petitioner with minor victim girl, aged about five years, is cousin grandfather, creates a serious doubt, *qua*, allegation as raised through present F.I.R. particularly in Indian Social context, where present allegation appears to raised due to civil dispute arises out of common passage. It is submitted that petitioner is old as 76 years, senior citizen and suffering from several ailments. While travelling over the argument it is submitted that after alleged occurrence the victim was with her parents where her statement was only obtained on very next day and, as such, probability of tutoring cannot be ruled out by taking note of the age of minor victim girl. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail submitted that the allegation regarding outraging the modesty is available specific against this petitioner.

Considering the facts and circumstances as mentioned above and by taking note of the nature of accusation coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 20.03.2023, accordingly, the



petitioner, above named, is directed to be released on bail in connection with Kankarbagh P.S. Case No. 311 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Exclusive Special Judge (POCSO), Patna/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C with further conditions:

“(i) That the petitioner shall not involve in similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the learned 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 learned Trial Court till the conclusion of trial and exemption from physical appearance be allowed by the learned 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.

(iv) The petitioner shall not contact the victim female child as well as her relative/parents and other witnesses in any manner, till conclusion of trial.

(Chandra Shekhar Jha, J)

pooja/-

U		T	
---	--	---	--

