

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32229 of 2022

Arising Out of PS. Case No.-68 Year-2022 Thana- ROSHANGANJ District- Gaya

Shivpujan Kumar Son of Sanjay Das Resident of Village - Bankat, P.S. -
Bankey Bazar, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 14-02-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Notice is duly served upon but the informant fails to
join present proceedings.

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

The petitioner seeks bail in connection with
Raushanganj (Bankeybazar) P.S. Case No. 68 of 2022 registered
for the offence under Sections 342, 323, 354(A) and 354(B) of
the Indian Penal Code (for short 'I.P.C.') and under Sections 08
and 12 of the POCSO Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 09.04.2022.

The allegation against the petitioner is to commit



sexual assault upon the minor daughter of the informant, aged about 12 years, while she was returning to her home at about 6 p.m. after finishing her outdoor game.

Learned counsel appearing on behalf of the petitioner submitted that the implication is purely based upon previous enmities since uncle of petitioner lodged a case against father of the victim/informant of this case which was registered as Raushanganj (Bankeybazar) P.S. Case No. 35 of 2013. It is submitted that from the statement of victim, as recorded under Section 164 of the Cr.P.C., it is difficult to gathered that the assault was made with sexual intent. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above and by taking note of the nature of allegation, where petitioner is in custody since 09.04.2022 coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Raushanganj (Bankeybazar) P.S. Case No. 68 of 2022 on



furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court (POSCO)-cum-A.D.J. VII, Gaya/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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