

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32628 of 2022

Arising Out of PS. Case No.-539 Year-2021 Thana- BIDUPUR District- Vaishali

JAY PRAKASH SAH S/o Prahalad Sah R/o village- Jurawanpur (Gopalpur),
P.S.- Biddupur, District- Vaishali (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Informant/s : Mr. Mritunjay Kumar, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 15-02-2023 Let the defect(s), if any, pointed out by the office

be removed within three weeks from the date of this order,

failing which the matter be listed again under the appropriate

heading for necessary action.

Heard learned counsel for the petitioner, learned
counsel for the Informant and the learned APP for the State.

Petitioner seeks regular bail in connection with
Bidupur P.S. Case No. 539 of 2021 registered for the offences
punishable under Section 376(AB) of the Indian Penal Code
and Section 6 of the POCSO Act.

As per the prosecution, the informant alleged that this
petitioner took the informant's minor daughter aged about five
years inside his shop and inserted his finger inside the victim's
vagina.

The main submissions advanced by the learned
counsel Mr. Awadhesh Kumar for the petitioner are that the



petitioner is a mentally challenged person and in this regard Annexure-2 showing petitioner's mental illness has been filed and he has been languishing in jail since 07.11.2021 having fair and clean antecedent

Learned APP Mr. Kalyan Shankar appearing for the State as well as learned counsel Mr. Mritunjay Kumar appearing for the Informant have opposed the bail prayer and submitted that all the private witnesses of the prosecution in connection with the trial of the petitioner have been examined.

Having considered the above submissions and mainly the petitioner's custody period and his fair and clean antecedent and also the fact that all the material private witnesses of prosecution have been examined in the petitioner's trial as per above submission, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Bidupur P.S. Case No. 539 of 2021.

(Shailendra Singh, J)

sangam/-

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

