

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33949 of 2022

Arising Out of PS. Case No.-262 Year-2022 Thana- MUFFASIL District- West Champaran

Bharat Sah S/o Bishwanath Sah R/o village- Purvi Kargahiya, P.S.- Bettiah
Muffasil, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Sanjeev Kumar
For the Opposite Party/s :	Mr. Dashrath Mehta, Umesh Chandra Verma ,Abhishek Kumar , Aashmi Jha , Sharad Kumar Verma

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 03-01-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with Bettiah
Muffasil P.S. Case No.262 of 2022, registered for the
offences punishable under Sections 354A(1-ii)
(D)/120B/506/34 of the Indian Penal Code and Section 67
of the I.T. Act and Section 8 of the POCSO Act.

The prosecution story as emerges from the FIR is
that on 07.04.2022 the accused has taken objectionable
photograph of the informant's daughter, Sudha Kumari, aged
about 13 years and pressurized her to establish physical
relationship.



Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner is the father of the accused, Vivek Kumar, who is the main accused but there is no allegation against this petitioner regarding commission of any offence against the alleged victim.

It has further been stated in paragraph no. 3 of the bail petition that the petitioner has been made accused in one more case. The petitioner has been languishing in jail since 08.04.2022.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved before this Court for grant of anticipatory bail or regular bail.

However, the Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to



the satisfaction of the Ld. Addl. Sessions Judge-VI-cum-Special-Judge POCSO, Bettiah, West Champaran in connection with Bettiah Muffasil P.S. Case No.262 of 2022 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the Ld. court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent



despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

chandan/-

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

