

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34391 of 2022

Arising Out of PS. Case No.-115 Year-2020 Thana- SIKRAUL District- Buxar

1. PANNA LAL S/o Ramesh @ Ramesh Chandra Resident of Godhana, P.S.- Unj, District- Bhadohi (Sant Ravidas Nagar), Uttar Pradesh.
2. Om Prakash S/o Suraj @ Surju Resident of Godhana, P.S.- Unj, District- Bhadohi, (Sant Ravidas Nagar), Uttar Pradesh.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate
For the Opposite Party/s : Mr. Amitesh Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-01-2023 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State in virtual court proceeding.

Let the defects, as pointed out by the office, be removed within a period of four weeks from today.

Petitioners seek bail in a case registered for the offences punishable under Sections 147, 149, 341, 323, 504, 506, 354B, 379, 307 of the Indian Penal Code and Sections 8 and 12 of POCSO Act.

According to prosecution case that on 18.09.2020, informant along with his minor daughter aged 13 years (victim) and friend Vinod Kumar Saroj had arrived Buxar for worship



and darshan. On the date of alleged occurrence i.e. on 19.09.2020, when informant along with his daughter (victim) and Vinod Kumar Saroj were returning from worship in Jahuari Mata Temple, on the way near Primary School Parmeshwarpur, accused persons namely, Taulan Pasi, Om Prakash, Panna Lal, Raj Kumar @ Raju and Nagesh Kumar surrounded informant and Vinod Kumar Saroj and started assaulting them with fists and kicks, dashed Vinod Kumar Saroj on the ground. Accused Taulan Pasi wrapped gamcha and strangled neck of Vinod Kumar Saroj. Being terrified informant's daughter started crying and attempted to rescue, accused Panna Lal snatched away her frock, thereafter Om Prakash and others had attempted to molest her. Taulan Pasi snatched away Rs.1500 from pocket of informant. It is further stated that one of the accused person, was in inimical terms with Vinod Kumar Saroj.

Learned counsel for the petitioners submits that petitioner no.1 carries one criminal antecedent and petitioner no.2 has clean antecedent. He further submits that petitioners are innocent and they have falsely been implicated in the present case. He further submits that the date of occurrence as alleged in the F.I.R. is 19.09.2020 and everyone known that due to pandemic COVID-19 there was complete lockdown in across



the country from 01st September, 2020 to 30th September, 2020 the movement of train and public transport were stopped and the religious places like temple, mosque etc were closed then the story narrated by the informant is false and concocted. He further submits that the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 09.05.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners on the ground that petitioner no.1 carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Sikraul P.S. Case No. 115 of 2020 (POCSO Case No. 38 of 2020), subject to the following conditions:-

1. One of the bailor should be father of both the petitioners and another should be local people.

2. Petitioners shall co-operate in the trial



and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

3. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

4. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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