

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36219 of 2023

Arising Out of PS. Case No.-128 Year-2023 Thana- BHANGWANPUR HAT District- Siwan

RITESH KUMAR Son of Raj Balam Ram Resident of Village - Rajapur, P.S.-
Bhagwanpur Hat, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Udit Narayan Singh, Adv.

For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 24-06-2023 Let the defect(s), if any, be removed within two weeks
from today.

2. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

3. The petitioner seeks regular bail in connection with
Bhagwanpur Hat P.S. Case No. 128 of 2023 dated 28.04.2023
lodged under Sections 354, 354B of the I.P.C. read with Section
12 of POCSO Act.

4. As per the prosecution case, the allegation against
the present petitioner is that he was putting force upon the
informant to talk with him otherwise threatening to kill her
father and brother. The allegation of harassment is there in the
F.I.R. against the petitioner.

5. Learned counsel for the petitioner submits that

petitioner is in custody since 15.04.2023. There is one criminal case pending against him in which he is in bail. Counsel further submits that charge-sheet has already been filed in this case. Counsel also submits that in Section 12 of the POCSO Act, the punishment is up to the extent of 3 years.

6. Counsel further submits that both petitioner and the informant are resident of one and the same village and they are well-known to each other.

7. Learned counsel for the State opposes the prayer for bail.

8. Learned counsel for the informant vehemently opposes the prayer for bail and submits that the specific allegation is against the petitioner and POCSO Act is there in the F.I.R., therefore, his bail should be rejected.

9. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned 6th Addl. District and Sessions Judge-cum- Exclusive Special Judge POCSO, Siwan in connection with Bhagwanpur Hat P.S. Case No. 128 of 2023, subject to the conditions as laid down under Section 437(3) of

Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

10. With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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