

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41719 of 2022

Arising Out of PS. Case No.-102 Year-2022 Thana- BHARGAMA District- Araria

GAUTAM SAH S/o Dilip Kumar Sah @ Dilip Sah R/o village- Jainagar, P.S.-
Bhargama, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bikramdeo Singh Mr. Bishwajeet Singh Mr. Kundan Kumar Singh
For the Opposite Party/s :		Mr. Satyendra Prasad

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

5 16-02-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with Bhargama P.S. Case No. 102 of 2022, registered for the offences punishable under Sections 341, 323, 324, 325, 379, 354-B, 504, 506 and 34 of the Indian Penal Code, Sections 3(1)(r)(s)(w)(i)(ii) of the SC/ST Act and Section 8 and 12 of the POCSO Act.

The prosecution case as emerging from the FIR is that when the daughter of the informant was returning from tuition, the petitioner and his associates tried to outrage her modesty. Later, they also assaulted her by rod causing injury



in her mouth and they also demanded *rangdari* and tried to abduct her.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that there is no specific allegation of overt act against the petitioner and the entire allegation made in the FIR is general and omnibus in nature. He also submits that other co-accused persons, namely, Rakesh Kumar Sah and Satyam Kumar have already been enlarged on anticipatory bail by a co-ordinate Bench of this Court vide order dated 17.01.2023 passed in Cr. Misc. No. 51493 of 2022.

He further submits that the petitioner has been languishing in jail since 22.05.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

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

However, Ld. APP for the State vehemently



opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged 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 Ld. Addl. Sessions Judge-IV (Spl. POCSO), Araria in connection with Bhargama P.S. Case No. 102 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 any criminal antecedents, Ld. court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents 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, Ld. court below shall cancel the bail bond of the petitioner.

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)

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