

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46750 of 2023

Arising Out of PS. Case No.-360 Year-2022 Thana- DHORAIYA District- Banka

Sajan Kumar Tanti @ Sajan Kumar Son Of Shaligram Tanti R/O-Ghasia, P.S.-
Dhoraiya, Distt.-Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Krishna Prasad Singh, Sr. Advocate
For the State	:	Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 17.03.2023, in connection with Dhoraiya P.S. Case No. 360 of 2022, F.I.R. dated 21.10.2022 registered for the offences punishable under Sections 354(B), 341, 323, 509, 420, 120(B) of the Indian Penal Code, 67(A) of the I.T. Act and Section 8 of the POCSO Act.

3. The prosecution case, in short, is that the informant's daughter namely Annu Arya who is aged about 12 years was a student in R.T.C. Coaching Centre run by the petitioner and his brother and on 07.10.2022 he received a secret information that co-accused Piyush Kumar @ Sonu had tried to



make physical relation with his daughter threatening her to make viral her obscene videos. It is further alleged that the petitioner use to make obscene videos of the girls studying in his coaching centre by inducing them and on 16.10.2022 the obscene videos of his daughter and other girls were made viral.

4. Learned Senior counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that from perusal of the F.I.R. it appears that the date of occurrence as alleged in F.I.R. is 07.10.2022 but the present F.I.R. was instituted on 21.10.2022 after delay of 15 days without giving any explanation of delay and the F.I.R. was filed as an afterthought only to falsely implicate the petitioner in the present case. Learned Senior counsel for the petitioner further submits that the statement of the victim was recorded under Section 164 of the Cr. P.C. in which she has stated that the petitioner has snapped the photo of the victim and threatened her that the petitioner will make the photograph of the victim viral and there is no allegation of sexual assault against the petitioner. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 17.03.2023.



5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that there is sufficient material against the petitioner.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-6-cum-Special Judge POCSO, Banka, in connection with Dhoraiya P.S. Case No. 360 of 2022, subject to the following conditions :-

(1) Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. 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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