

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57673 of 2023

Arising Out of PS. Case No.-429 Year-2023 Thana- PURNEA SADAR District- Purnia

CHHAVI NATH MANDAL S/O ARVIND MANDAL R/O MOHALLA-
SARDAR TOLA, WARD NO.-37, GULABBAGH, P.S- SADAR, PURNEA,
DIST.- PURNEA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 01-09-2023

Heard the parties.

The petitioner is in custody in connection with Sadar P.S. Case No. 429 of 2023 for the offence under sections 448, 354(B), 506 of the Indian Penal Code and section 8 of POCSO Act lodged on 12.05.2023 by the informant, Deepak Sahni.

As per the prosecution story, the allegation is that the petitioner in inebriated state entered the house of the informant and tried to outrage the modesty of two minor daughters and when they raised alarm, he escaped. Accordingly, the FIR.

Learned counsel for the petitioner submits that he has already suffered by being in custody since 13.05.2023 (as stated in paragraph 4 of the petition), do not have criminal antecedent and is ready to abide by all the terms and conditions, if released



on bail.

Learned APP opposes the prayer for bail stating that in the night, he entered the home of the informant and tried to outrage the modesty of two minor daughters.

The petitioner, firstly, was in an inebriated state despite the fact that there is liquor prohibition law in the state, thereafter entered the informant's home and as per the allegation tried to outrage the modesty of the two daughters. The alleged act is heinous and deprecable to say the least.

However, considering the fact that he is in custody since 13.05.2023, do not have criminal antecedent and will be diligently appearing in trial, this Court is inclined to extend him the privilege of bail with strict conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned 6th Additional Sessions Judge-cum-Special (POCSO), Purnea, in connection with Sadar P.S. Case No. 429 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;



(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(vi) the petitioner will have not any communication either with the girls or her parents.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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