

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52399 of 2022

Arising Out of PS. Case No.-79 Year-2020 Thana- SASARAM MUFFASIL District- Rohtas

Chandan Kumar, aged about 26 years, male, S/o Chandrama Singh @ Gakar Singh, R/o Village- Balathuwa, P.S. Sasaram Muffasil, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Murari Mishra, Advocate.

For the Opposite Party/s : Mr. M.K. Nirala, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-02-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Binod Murari Mishra, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with POCSO Case No. 12 of 2020, arising out of Sasaram Muffasil P.S. Case No.79 of 2020, registered for the offences punishable under Sections 354(B)/34 of the Indian Penal Code and Sections 8, 12 of the Protection of Children from Sexual Offences Act, 2012.

It is alleged that on 09.03.2020, while the informant was returning to her house, in the meantime one Raushan Kumar made some lewd remark and thereafter all the accused persons caught hold the informant and started misbehaving,



upon which the informant raised alarm. After hearing the alarm of the informant several persons arrived, two of the co-accused persons, namely, Raushan Kumar and one Piyush Kumar were apprehended by the local people and the petitioner and one Laddu kumar fled away on motorcycle.

Learned counsel appearing on behalf of the petitioner submits that from the FIR, it is evident that the girl and boys are knowing to each other from before and only on account of some trifling matter the name of the petitioner has been implicated in this case, however, neither the petitioner was apprehended at the place of occurrence nor there is any specific allegation against him. He further submits that the innocence of the petitioner is also fortified for the reasons that the petitioner has never indulged in any criminal activity prior to the present case and moreover, he is in custody since 30.07.2022 and now the investigation of the crime is already complete.

On the other hand learned APP for the State vehemently opposes the bail application and submits that there is specific allegation that indecent behavior has been made by the petitioner with the victim.

Regard being had to the submissions made on behalf of the parties and considering the fair antecedent of the



petitioner, coupled with the period of custody and the investigation of the crime is already complete, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-VI-cum-Exclusive Special Court, POCSO, Rohtas at Sasaram in connection with POCSO Case No. 12 of 2020, arising out of Sasaram Muffasil P.S. Case No.79 of 2020, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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