

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56177 of 2022

Arising Out of PS. Case No.-07 Year-2022 Thana- MAHILA P.S District- West Champaran

Babu Lal Yadav @ Babulal Kumar Son Of Shri Bhola Yadav Resident Of
Village- Govinapur, Ward No.- 13, P.S.- Chanpatiya, District- West
Champaran

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyam Sundar Kumar, Adv.

For the Opposite Party/s : Mr. Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 15-02-2023 Let the defect(s), if any, be removed within two
weeks from today.

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

The petitioner seeks regular bail in connection with
Bettiah Mahila P.S. Case No. 07 of 2022 lodged under Sections
341, 342, 354(A), 354(B), 323, 504, 506/34 of the I.P.C.,
Section-8/12 of the POCSO Act and Section-3(1)(R)(S)(W)/3(2)
(V-A) of the SC & ST Act.

As per the prosecution case, F.I.R. has been filed
against 7 named accused persons and allegations of the outrage
of modesty, violation of POCSO Act, as well as, SC & ST Act
are there in the F.I.R.

Learned counsel for the petitioner submits that brutal allegation is present in the F.I.R. The occurrence is alleged to be taken place on 23.03.2022 but the said F.I.R. has been lodged on 24.03.2022 and petitioner was produced before the C.J.M. on 25.03.2022. He submits that upon getting the knowledge of filing of the case, the petitioner surrendered himself.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that petitioner is in custody since 23.05.2022 having clean antecedent.

Learned counsel for the State opposes the prayer for bail.

Upon specific query that whether Section-8/12 of the POCSO Act will be complied or not, counsel for the petitioner is silent on that.

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 Special Judge POCSO cum A.D.J. VI, West Champaran, Bettiah in connection with SGR No. 27 of 2022 arising out of Bettiah Mahila P.S. Case No. 07 of 2022,

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.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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