

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56603 of 2023

Arising Out of PS. Case No.-108 Year-2023 Thana- JOGAPATTI District- West Champaran

Rakesh Chaudhary Son Of Dina Chaudhary Resident Of Village - Piprahiya,
P.S. - Jogapatti (NAWALPUR), District - West Champaran

... .. Petitioner/S

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akhileshwar Kumar Shrivastva, Adv.

For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 30-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Jogapatti (Nawal Pur) P.S. Case No. 108 of 2023 (S.G.R. No. 40 of 2023, POCSO 91 of 2023) lodged under Sections 341, 323, 354 (A) (B) (C) (D) and 34 of the I.P.C. read with Section 12 of the POCSO Act.

3. As per the prosecution case, the informant has disclosed that his daughter was subject to molestation at the hand of accused persons including the petitioner and thereafter, he filed case particularly, when video become viral and as such, there was delay in filing F.I.R..

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He submits

that the present occurrence was alleged to take place on 17.03.2023 for which F.I.R. has been lodged on 22.03.2023 in which petitioner was made accused.

5. Counsel further submits that on 26.11.2020, the father of the petitioner has filed Yogapatti P.S. Case No. 475 of 2020 in which the informant and others were made accused. Counsel submits that the present F.I.R. has been lodged only and only with a view to create pressure for withdrawal of Yogapatti P.S. Case No. 475 of 2022 lodged by the father of the petitioner for which the petitioner's side is not ready to withdraw the said case, then, the present F.I.R. has been lodged.

6. Counsel further submits that petitioner is in custody since 03.04.2023 having 2 criminal antecedent and in both the cases, he is on bail.

7. Learned counsel for the State opposes the prayer for bail.

8. 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. VIth, West Champaran at Bettiah, in connection with Jogapatti (Nawal Pur) P.S. Case No. 108 of 2023 (S.G.R. No. 40 of 2023, POCSO 91 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 *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 bonds by the Trial Court itself;

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

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

(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 the bail bonds.

(Dr. Anshuman, J.)

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