

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60690 of 2022

Arising Out of PS. Case No.-51 Year-2020 Thana- ATRI District- Gaya

=====

ENGLESH KUMAR, S/o Ram Bilas Mistri, R/V- Khiri, P.S.- Atri, Distt-
Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Satrudhan Kumar, Advocate

For the Opposite Party/s : Mr.Nagendra Prasad, APP

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 01-02-2023 Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in connection with Atri P.S. Case
No. 51 of 2020 registered for the offence punishable under Section
354(B) of the Indian Penal Code and Section 8 of the POCSO Act.

As per allegation in the FIR, the instant petitioner has
caught hold of the informant (minor girl). With a view to establish
forcible physical relation with her, he has disrobed her. She, however,
has fled away making noise.

Learned counsel for the petitioner submits that even as per
allegation, at best the case is of failed attempt. The petitioner has no
antecedents and he is in custody since 28.07.2022. The parties are in
fact known to each other and the informant has realised that the FIR
has been lodged under misconception and, therefore, has filed a joint
compromise petition before the lower court wherein it is specifically
stated that the informant is not ready to contest the case move. It is
further submitted that investigation is complete.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, the copy of the joint



compromise petition, period of custody as well as clean antecedents of the petitioner, viewed keeping in background the nature of allegation, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel.

Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge (III) cum Exclusive Special Court (POCSO) at Gaya, in connection with Atri P. S. Case No. 51 of 2020, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

shashank/-

U		T	
---	--	---	--

