

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55952 of 2022

Arising Out of PS. Case No.-308 Year-2022 Thana- OBRA District- Aurangabad

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AJAY KUMAR, S/o Ramlakhan Mehta @ Ramlakhan Prasad, Resident of
Village- Daulatpur Ganj, P.S.- Obra District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Nirmal Kumar Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 11-01-2023 Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in connection with Obra P.S.
Case No. 308 of 2022 registered for the offence punishable under
Sections 341, 323, 504, 354, 354(B) and 34 of the Indian Penal Code
and Sections 8 and 12 of the POCSO Act.

The prosecution case alleges assault as well as attempt to
outrage the modesty and commit rape upon the informant. The
assault is also alleged against the family members of the informant.

Learned counsel for the petitioner submits that over a
trivial issue, a free fight had taken place on 17.07.2022 between the
parties. The same led to lodging of Obra P.S. Case No. 300 of 2022
on 18.07.2022. The instant case has been lodged four days thereafter
in retaliation, on 22.07.2022, to settle scores. The parties are related.
Informant, in fact, is niece of the petitioner. With intervention of
common friends and well-wishers and other family members, the
parties have resolved their disputes. A joint compromise petition has
been filed in the trial court, certified copy of which has been annexed
(Annexure-3 to the bail petition). The petitioner in the circumstances



is in custody since 21.08.2022.

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

Considering the circumstances in which allegation has been made, earlier counter case and the joint compromise petition, 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 the learned Additional District & Session Judge -cum- Special Exclusive Judge (POCSO), Aurangabad, in connection with Obra P. S. Case No. 308 of 2022, 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)

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