

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58796 of 2022

Arising Out of PS. Case No.-205 Year-2022 Thana- JAMHOR District- Aurangabad

SANTAN MEHTA @ SANTAN KUMAR SON OF KESHAV MEHTA R/O
VILLAGE- SITARAMPUR, P.S.- JAMHORE, DISTRICT- AURANGABAD

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 06-01-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in
connection with Jamhore P.S. Case No. 205 of 2022
for the offence registered under Sections 341, 323,
354-B and 504/34 of the Indian Penal Code and
Section 8 of the POCSO Act.

The informant-cum-victim has alleged that
on 01.08.2022 at about 01:00 P.M., she was going
to Jamhore for banking purposes and when she had
reached near Jagdishpur village, three accused
persons including the petitioner herein had forcibly
closed her mouth with her dupatta, lifted her and
made her sit on their motorcycle, whereupon they



had taken her to the banks of river situated at village-Sitarampur and had started molesting her, however, on an alarm being raised, people had gathered there, leading to the accused persons including the petitioner having fled away.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, is having a clean antecedent and he is languishing in custody since 29.08.2022. The learned counsel for the petitioner has further stated, by referring to paragraph no. 7 of the present petition, that the village of the informant and that of the accused persons are adjacent to each other and an altercation had taken place in between the father of the informant and the petitioner on account of distribution of canal water resulting in the petitioner being falsely implicated in the present case.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and



circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that the petitioner and other accused persons have been alleged to have tried to molest the informant but had not succeeded since the co-villagers had arrived at the place of occurrence apart from the fact that the petitioner is having a clean antecedent and he is languishing in custody since 29.08.2022, though I deem it fit and proper to admit the petitioner to the privilege of bail, however, subject to the conditions that in case any complaint is made by the informant before the learned court below regarding inappropriate behaviour by the petitioner/accused persons, the court below shall examine the same and after hearing the petitioner/accused persons, shall take such action as is deemed fit and proper including that of cancelling the privilege of bail being granted to the petitioner herein.

Accordingly, the petitioner, above named,



is directed to 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-cum-Special Exclusive Judge (POCSO), Aurangabad in connection with Jamhore P.S. Case No. 205 of 2022.

(Mohit Kumar Shah, J)

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