

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63072 of 2023

Arising Out of PS. Case No.-38 Year-2023 Thana- MAHILA P.S. District- Kaimur (Bhabua)

DURGESH TIWARI SON OF SHRI ACHHAIBAR TIWARI VILLAGE
AND POST- ORRAH, PS- BELAON, DIST- KAIMUR (BHABUA)

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. SUHANA BHARATI D/O LATE LADDU RAM, C/O SACHCHIDANAND
RAM VILLAGE- TELARI, PO- TELARI, PS- CHENAIR, DIST- ROHTAS

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Pathak

For the Opposite Party/s : Ms. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH
ORAL ORDER

2 06-10-2023 Heard learned counsel for the petitioner and the
learned A.P.P.

2. The petitioner has preferred this application for grant of regular bail in connection with Mahila P.S. Case No. 38 of 2023 dated 9.8.2023 registered for the offence punishable under Section 354/34, of the Indian Penal Code, Section 12 of POCSO Act and Section 3(1)(W) of SC/ST Act.

3. As per the prosecution case, the petitioner is alleged to have abused, assaulted and molested the informant, aged about 11 years old.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has not committed any



offence in the manner alleged. He has falsely been implicated in this case due to village Politics. He has further submitted that no offence of SC/ST Act is made out against the petitioner. He has also submitted that the offence as alleged against the petitioner is said to have taken place in the class room. The petitioner has clean antecedent as stated in paragraph-3 of the bail petition. The petitioner is in custody since 9.8.2023.

5. On the other hand, learned A.P.P. has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, circumstances of the case and the nature of allegation, the petitioner above named is directed to be released on bail on his furnishing bail bond of Rs. 20,000/- (Twenty thousand), with two sureties of the like amount each to the satisfaction of learned Special Judge POCSO-cum-Additional District Judge-VI, Bhabua (Kaimur), in connection with Mahila P.S. Case No. 38 of 2023.

(Chandra Prakash Singh, J)

S.Ali/-

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

