

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 59919 of 2022

Arising Out of PS. Case No.-182 Year-2022 Thana- HASPURA District- Aurangabad

1. SHEO PRASAD MISTRI S/O LATE JUDAGIR MISTRI Resident of village- Rampur, Kaithi, P.S.- Haspura, District- Aurangabad.
2. RAM JI MISTRI @ RAMJI VISHWAKARMA S/O RAM PRASAD MISTRI Resident of village- Rampur, Kaithi, P.S.- Haspura, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms Mukul Kumari, Advocate
For the Opposite Party/s : Mr Jagdhar Prasad, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 19-01-2023 Heard learned counsel for the petitioners and learned Additional Public Prosecutor (for brevity, **APP**) appearing for the State of Bihar.

The petitioners seek bail in Haspura Police Station (for brevity, **PS**) Case No 182 of 2022 registered for the offence punishable under Sections 341, 323, 354 (A), 379, 504, 506/34 of Indian Penal Code and Sections 8/12 of Protection of Children from Sexual Offences (for brevity, **POCSO**) Act.

Two persons were repeatedly teasing informant's daughter while on her way for coaching in a routine manner. The said two persons are sons of instant two petitioners. Petitioners' implication is by alleging that when the informant made a complain regarding their sons, they have assaulted the informant and snatched some money and mobile phone from him.

Learned counsel for the petitioners submits that having regard to the nature of allegations, the petitioners cannot be, in any manner, held to be liable under the POCSO Act. The allegations are



patently false which is obvious from the fact that the alleged assault is not supported by the injury report. The informant actually was made an accused in Haspura PS Case No 183 of 2022 on 26.06.2022 and, as such, he has lodged the instant case on 26.06.2022 for an alleged occurrence committed about twelve days (12) earlier, i.e., on 14.06.2022. The petitioners have no antecedent and investigation is complete.

Learned APP has opposed the prayer for bail.

Having considered the rival submissions, nature of allegation against the petitioners, their period of custody and other circumstances, as per submission of the learned counsel for the petitioners, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail is allowed. Let the petitioners, above named, be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge -cum- Special Exclusive Judge (POCSO), Aurangabad in GR (POCSO) No 45 of 2022 arising out of Haspura PS Case No 182 of 2022 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

M.E.H./-

(Madhuresh Prasad, J)

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