

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66753 of 2023

Arising Out of PS. Case No.-45 Year-2023 Thana- KANGLI District- West Champaran

Sameer Dewan, Son Of Shahid Dewan Resident Of Village - Kathiya -
Mathiya Pokhariya, Police Station - Kangali, District - West Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 16-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Kangali P.S. Case No. 45 of 2023, lodged on 03.07.2023 under Sections 341, 323, 354(D), 376, 511/34 of the Indian Penal Code and under section 8 & 12 of the Protection of Children from Sexual Offences Act.

3. As per the prosecution case, the FIR has been lodged against two named accused persons. The allegation against the petitioner and other accused persons is that they tried to commit wrong to the daughter of the informant.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he is in custody since 04.07.2023. He further submits that after investigation, the



charge sheet has been submitted under sections 341, 323, 354(D), 376, 511/34 of the Indian Penal Code and under section 8 & 12 of the POCSO Act and no offence under section 376 of IPC has been found. He further submits that co-ordinate Bench of this Court has granted bail to the other co-accused vide order dated 25.09.2023 passed in Cr. Misc. No. 61880 of 2023 in which discussion with regard to under section 164 of Cr.P.C. has also been made.

5. Learned APP for the State opposes the prayer for bail of the petitioner.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-VI-cum-Special Judge-POCSO, Bettiah, District-West Champaran in connection with Kangali P.S. Case No. 45 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;



(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J.)

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