

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70063 of 2022

Arising Out of PS. Case No.-174 Year-2022 Thana- TAJPUR District- Samastipur

Bindan Kumar @ Vindan Kumar, S/o Ram Pravesh Singh, Resident of
Village- Reriyahi Halai, Tajpur, OP, P.S.- Tajpur, District- Samastipur.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-04-2023 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing

on behalf of the State.

Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

The accused/petitioner is named in the F.I.R. and
apprehending his arrest in connection with Tajpur (Halai) P.S.
Case No. 174 of 2022 registered for the offences punishable
under Sections 147, 148, 323, 379, 376, 511, 504, 506/34 of the
Indian Penal Code and Sections 4, 6 and 8 of POCSO Act.

The allegation against petitioner is to sexually assault
the minor daughter of informant aged about 16 years alongwith
other co-accused persons/family members, while she was
sleeping on Verandah of the house on 07.03.2022 at 11:00 PM.



Learned counsel appearing on behalf of the petitioner submitted that there are several litigation pending between the parties out of land dispute and by convincing chain of false implication, the present case has been lodged. It is further submitted that the thrust of allegation as per statement of victim recorded under Section 164 of Cr.P.C. is available against co-accused, namely, Pawan Kumar Singh and Kundan Kumar Singh. It is pointed out that co-accused Pawan Kumar Singh has already granted anticipatory bail by one the learned co-ordinate Bench of this Court through Cr. Misc. No. 44842 of 2022 vide order dated 25.01.2023. While concluding the argument, it is submitted that petitioner found involved in one more case, where he is on bail.

Learned APP opposes the prayer of bail.

Considering the aforesaid facts and circumstances, as victim failed to state any incriminating material against this petitioner in her statement recorded under Section 164 of Cr.P.C., let above named petitioner, in the event of his arrest or surrender before the court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional



Session Judge-VI cum Special Court (POCSO),
Samastipur/concerned Court, where the case is pending in
connection with Tajpur (Halai) P.S. Case No. 174 of 2022,
subject to the conditions as laid down under Section 438(2) of
the Cr.P.C.

(Chandra Shekhar Jha, J)

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