

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65049 of 2022

Arising Out of PS. Case No.-12 Year-2021 Thana- SAHJAHANPUR District- Patna

=====

Bittu Kumar Son of Tuntun Paswan @ Anuj Paswan Resident of Village -
Erai, P.S.- Shahjahanpur, District – Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Parmeshwar Vishwakarma, Advocate
For the Opposite Party/s : Mr. Naveen Kumar Pandey, APP

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 25-02-2023 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Sahjahanpur P.S. Case No. 12 of 2021 registered for the offence
under Sections 354(A), 354(B) and 34 of the Indian Penal Code
(for short 'I.P.C.') and under Sections 08 and 12 of the POCSO
Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 01.09.2022.

The allegation against the petitioner is to outrage the
modesty of minor daughter of informant, aged about 15 years,
while she was going to her next house after cooking.



Learned counsel appearing on behalf of the petitioner submitted that it is highly improbable that three co-accused persons, all having full brothers can outrage modesty of a minor girl collectively. It is submitted that petitioner implicated in this case alongwith other two co-accused persons, who are full brothers due to neighbourhood disputes and differences. It is submitted that allegation of slapping is available against this petitioner and other co-accused persons, suggesting absence of sexual intent. While concluding the argument, it is submitted that petitioner found involved in one more case, where he is on bail and moreover, investigation of this case has already been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above and by taking note of nature of allegation, where petitioner is in custody since 01.09.2022, coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Sahjahanpur P.S. Case No. 12 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional



Sessions Judge-VII-cum-Exclusive Special Court (POCSO),
Patna/concerned Court, subject to the conditions as mentioned
under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

veena/-

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

