

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70882 of 2023

Arising Out of PS. Case No.-296 Year-2023 Thana- BHABHUA District- Kaimur (Bhabua)

ASHOK GOND son of Gobardhan Gond Village- Sikathi Ps- Bhabua Dist-
Kaimur at Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Adv.

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
POCSO Reg. No. 24 of 2023, arising out of Bhabua P.S. Case
No. 296 of 2023 lodged under Sections 341, 354, 354B, 323, 34
of the I.P.C. read with Section 7 of the POCSO Act. and 67 (B)
(C) of the I.T. Act.

3. As per the prosecution case, the F.I.R. has been
lodged against 2 named and one unknown accused persons. As
per the F.I.R., there is allegation of outrage the modesty of the
informant's daughter as well as preparation of picture of the
daughter of the informant are there.

4. Learned counsel for the petitioner submits that the
F.I.R. has been lodged with ulterior motives. Counsel submits



that the date of occurrence is 10.04.2023 and F.I.R. has been lodged on 11.04.2023. Counsel further submits that the cause of lodging F.I.R. is Annexure-2 i.e., an application filed before the *Gram Kachhari* against the encroachment of the land of the petitioner.

5. Counsel further submits that during trial, the said victim has narrated her cross-examination in which she completely denied the allegation made in the F.I.R. Counsel further submits that petitioner is in custody since 13.04.2023 having clean antecedent.

6. Learned counsel for the State opposes the prayer for bail.

7. 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 Special Judge, POCSO Act -cum- ADJ-VI, Kaimur at Bhabua, in connection with POCSO Case No. 24 of 2023, arising out of Bhabua P.S. Case No. 296 of 2023, subject to the following conditions as laid down under Section 437(3) of Cr.P.C. with other 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.)

Prakashmani/-

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

