

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73289 of 2022

Arising Out of PS. Case No.-118 Year-2022 Thana- KUNDWACHAINPUR District- East
Champaran

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Babloo Kumar @ Babloo Deo Kumar S/O Tulsi Mahto Resident of village-
Koraiya Samanpur P.S.- Kundwachainpur, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwari, Advocate
For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-03-2023 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

Kundwachainpur P.S. Case No. 118 of 2022 registered for the

offence under Sections 456, 341, 323, 354, 379, 504, 506 448

and 34 of the Indian Penal Code (For short 'I.P.C.')

read with

Section 08 of the POCSO Act.

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

custody since 18.10.2022.

The allegation against the petitioner is to outrage the

modesty of daughter of the informant, who is alleged to be



minor at the time of occurrence, aged about 16 years, after entering into the house.

Learned counsel appearing on behalf of the petitioner submitted that petitioner implicated falsely in present case, who is none but the uncle of the victim. It is submitted that several disputes are pending between the parties and out of the enmities, the present false case was lodged after inordinate and unexplained delay of 20 days. It is pointed out that prior to this occurrence, the father of petitioner was lodged a complaint case against informant and others before the learned Court of S.D.J.M. Sikrahana Vide C-149 of 2022 and in retaliation the present case was lodged to create a pressure to get compromised in said complaint case. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP for the State opposes the prayer of bail.

Considering the facts and circumstances as mentioned above and by taking note of the delayed F.I.R., where petitioner is in custody since 18.10.2022 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 Kundwachainpur P.S. Case No. 118 of 2022 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 6h Additional Sessions Judge, POCSO, East Champaran, Motihari/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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