

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74349 of 2022

Arising Out of PS. Case No.-381 Year-2021 Thana- NOORSARAI District- Nalanda

Shankar Chauhan @ Uma Shankar Kumar, son of Parameshwar Chauhan,
resident of village - Ahiyapur, P.S.- Noorsarai, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ajit Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 04-03-2023 Heard Mr. Shailesh Kumar, learned counsel
appearing on behalf of the petitioner and Mr. Ajit Kumar,
learned A.P.P. for the State, in virtual mode.

2. The petitioner who is in custody since 14.10.2022
seeks regular bail in connection with Noorsarai P.S. Case No.
381 of 2021 for the offence punishable under Sections
341/323/354(B)/354(D)/504/506/34 of the Indian Penal Code
and Sections 8 and 12 of the POCSO Act.

3. The prosecution story, in brief, is that the petitioner
along with other co-accused named in the F.I.R. used to chase
the daughter of the informant when she used to go to attend
coaching classes. On 13.11.2021, it has been specifically alleged
that petitioner along with other co-accused outraged the
modesty of the victim (daughter of the informant) while she was



going to attend coaching classes on said date.

4. Learned counsel appearing on behalf of the petitioner submitted that from the very allegation made in the F.I.R., it is not specific that it is the petitioner who had outraged the modesty of the daughter of the informant. He further submitted that before the allegation dated 13.11.2021, the petitioner had never accompanied the co-accused and as such learned counsel submitted that no case under Sections 8 and 12 of the POCSO Act is made out against the petitioner. He further submitted that the petitioner is in custody since 14.10.2022 having no criminal antecedent and one co-accused namely Nitish Chauhan @ Gautam Chauhan who was arrested on 15.11.2021 has already been released on bail by a co-ordinate Bench of this Court vide order dated 20.12.2022 passed in Cr. Misc. No. 12315 of 2022.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, general and omnibus allegation of outraging the modesty of the daughter of the informant has been alleged against the petitioner, petitioner is in custody since 14.10.2022 having clean antecedent, charge sheet has already been



submitted and there is no likelihood of the trial being concluded within the statutory period as contained in Protection of Children from Sexual Offences Act, 2012, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VII cum Special Judge, POCSO, Biharsharif, Nalanda in connection with Noorsarai P.S. Case No. 381 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

7. The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner



is involved in some other cases as what has been stated in Para-
3 of the bail petition, this order will automatically loose its
force.

(Purnendu Singh, J)

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