

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.466 of 2023

Arising Out of PS. Case No.-201 Year-2022 Thana- SHAHKUND District- Bhagalpur

Dilip Kumar @ Dilip Mahto Son of Tanik Mahto R/O Village- Pinjri, P.S.-
Barbigaha, District- Sheikhpura, State- Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Chandra Shekhar Prasad, Advocate

For the Opposite Party/s : Mr. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 4 25-04-2023 1. Let the defects, if any, pointed out by the office be removed within four weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.
2. Heard learned counsel for the petitioner and the learned APP for the State.
3. Petitioner seeks regular bail in connection with Shahkund (Sajour) P.S. Case No. 201 of 2022, Spl. POCSO Case No. 138 of 2022 dated 20.07.2022 registered for the offences punishable under Sections 366(A) and 34 of Indian Penal Code and Sections 4/8 of POCSO Act.
4. At the outset, it is submitted by learned counsel for the petitioner that the petitioner was granted provisional bail by this Court and as per the direction given in the order dated 23.03.2023 the petitioner has surrendered before the trial Court

and in this regard supplementary affidavit has been filed online and permission is required to file its hard copy.

5. Permission is accorded and the hard copy of the supplementary affidavit filed by learned counsel for the petitioner is directed to be taken on record.

6. The main submissions advanced by learned counsel for petitioner are that the so-called victim has been recovered and she has recorded her statement before the Judicial Magistrate in which she simply revealed that she was known to the petitioner and on account of her acquaintance with this petitioner she went with him and lived at his house for one night but she did not make any allegation in her statement against the petitioner and moreover, a good sense has prevailed in between both the parties and they have jointly filed compromise petition before the trial Court and there is no allegation against the petitioner to have sexually assaulted the victim and the petitioner voluntarily surrendered before the trial Court and he has been languishing in jail since 30.09.2022.

7. Considering the above submissions and the petitioner's young age and his custody period as well as his fair and clean antecedent, in my opinion, it is a fit case for bail to the petitioner. Accordingly, let the petitioner named above be

enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in connection with Shahkund (Sajour) P.S. Case No. 201 of 2022.

(Shailendra Singh, J)

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