

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15334 of 2024

Arising Out of PS. Case No.-1058 Year-2023 Thana- BHABHUA District- Kaimur (Bhabua)

Sunil Bind, aged about 19 years, Gender-Male, Son of Nandu Vind @ Nandu Bind, Resident of Village- Mamhan, Police Station- Bhabua, District- Kaimur (Bhabua)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Kumar Sunil, Advocate

For the Opposite Party : Mrs. Sharda Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 08-05-2024 This matter has been listed under the heading 'For orders (on office notes)'.

2. Heard learned counsel for the petitioner and learned A.P.P. for the State.

3. The petitioner seeks bail in connection with POCSO Case No. 62 of 2023, arising out of Bhabua P.S. Case No. 1058 of 2023 dated 22.11.2023 registered for the offences punishable under Sections 341, 323, 504, 506, 376, 511/34 of the I.P.C. and Sections 8 and 12 of the POCSO Act.

4. As per the prosecution case, on 22.11.2023 at 6.00 A.M., while the informant alongwith her cousin brother (Mausera Bhai) were returning to the village of her uncle (Mausa), on the way, the petitioner and three co-accused persons



caught them and assaulted her cousin brother and also took the informant into canal and starting molesting her. Out of four accused persons, one accused persons pointed pistol on her and asked her to undress, otherwise she would be killed. When her cousin brother raised hulla, nearby people came there. Thereafter, all the accused persons started fleeing away but one co-accused Sudarshan Bind was apprehended and disclosed the name of other three accused persons including the petitioner.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the name of the petitioner has sprung up in the present case on the disclosure made by the co-accused Sudarshan Bind. It is further submitted that neither the petitioner was present at the place of occurrence nor he was apprehended by any villager. It is further submitted that till date no T.I. Parade has been held. There is no statutory compliance of Sections 53A and 164A of the Cr.P.C. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 23.11.2023.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

7. Considering the aforesaid facts and circumstances



of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, POCSO Act-cum-A.D.J.-VI, Kaimur at Bhabua, in connection with POCSO Case No. 62 of 2023, arising out of Bhabua P.S. Case No. 1058 of 2023.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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