

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26858 of 2024

Arising Out of PS. Case No.-177 Year-2023 Thana- GWALPARA District- Madhepura

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Hariom Sharma Son Of Shambhu Sharma Village- Maharajganj Ward No.15
Ps- Gwalpara Arar Op District -Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar
2. Renu Devi Wife Of Manoj Paswan Village- Maharajganj Ward No.15 Ps-
Gwalpara Arar Op District -Madhepura

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surya Narayan Yadav

For the Opposite Party/s : Mr. Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 27-09-2024 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. The petitioner is in custody in connection with
Gwalpara (Arar O.P) P.S. Case No. 177 of 2023 for the offence
punishable under sections 341, 376, 511 and 34 of the Indian
Penal Code and section 27 of the Arms Act and section 08 of the
POCSO Act, lodged on 13.09.2023, by the informant, Renu
Devi.

3. As per the prosecution story, the informant alleged
that while her minor child was moving in the field the accused
persons surrounded and this petitioner on the point of revolver
tried to drag her towards the field and further tried to touch her



private parts but upon her alarm, after threatening, they left the place. Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that there is no allegation of sexual assault, due to village politics, the allegation has come, no occurrence as such took place and further he has remained in custody since 15.09.2023 (paragraph no.12 of the petition) though, concede that he has criminal antecedent.

5. Learned counsel for the informant submits that allegations are there against all the accused persons.

6. In this case, case diary as also the statement of the victim girl under section 164 of the Cr.P.C. were called for and according to which, she has stated that all the seven persons misbehaved/tried to outrage her modesty. The version of the mother in the F.I.R. relating to touching of the private parts has not been supported in the statement made under section 164 of the Cr.P.C.

7. Further, learned APP has pointed out that the mother refused to let her daughter go through the medical examination as per the report incorporated in the case diary which has also come in the report dated 23.04.2024 sent by the learned Additional Special Judge POCSO, Madhepura.



8. Taking into account the aforesaid facts as also his period of custody and an undertaking has been given by the petitioner through his learned counsel that he will be diligently appearing in trial, this Court is inclined to extend him the privilege of bail.

9. Let the petitioner be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge POCSO, Madhepura, in connection with Gwalpara (Arar O.P) P.S. Case No. 177 of 2023, subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her 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 bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or



promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(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 his bail bonds.

(Rajiv Roy, J)

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