

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27620 of 2024**

Arising Out of PS. Case No.-36 Year-2023 Thana- HALSI District- Lakhisarai

Sunil Pandey @ Sunil Kumar Pandey Son of Umeshwar Pandey Resident of
Village- Kaindi, Police Station- Halsi, Dist.- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate
For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 23-08-2024 Heard Mr. Yogesh Chandra Verma, learned Senior
Counsel for the petitioner and the State.

2. The petitioner is in judicial custody in connection with Halsi P.S. Case No. 36 of 2023 for the offence punishable under Section 376 of the Indian Penal Code and section 6 of POCSO Act lodged on 06.02.2023 by the informant, Pramila Kumari.

3. As per the prosecution story, the allegation against the petitioner is that he used to impart tuition for a coaching center, sexually exploited the daughter of the informant and when an audio went viral, upon enquiry, the girl informed that he used to take her in the basement to make relationship. Accordingly, the FIR.

4. Learned Senior Counsel submits that in the coaching business, there is rivalry between the parties, the



petitioner was imparting good education, implicated. It is his submission that it is not the case of the victim girl that she appeared before the Police and made complaint rather on the basis of her viral audio, the fact emerged.

5. In this case, a report was called for and according to it, the case is pending for recording prosecution evidence.

6. Learned APP opposes the prayer submitting that the allegation has come against him of sexually exploiting the student.

7. Though, there is allegation against the petitioner, considering the fact that he has remained in custody since 07.05.2023 (para-9 of the petition), do not have criminal antecedent and as per the report dated 16.07.2024, the same is pending for recording the prosecution evidence as per the undertaking given by the petitioner through his Senior Counsel that he will be appearing in trial without fail, this Court is inclined to extend him the privilege of bail with conditions.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-Vith cum Special Judge POCSO Court, Lakhisarai, in connection with Halsi P.S. Case No. 36 of 2023



subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his 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 month for next six next 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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