

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34562 of 2024

Arising Out of PS. Case No.-165 Year-2023 Thana- KASMA District- Aurangabad

Md. Sadab @ Sane @ Md.Sadab Alam SON OF ABDUL RASID @ MD.
RASHID R/O-VILLAGE- PRANPUR P.S- KASMA, DISTRICT-
AURANGABAD (BIHAR)

... .. Petitioner/s

Versus

1. The State of Bihar
2. XXXX- DAUGHTER OF YYYY R/O -KARANPUR, P.S- KASMA,
DISTRICT- AURANGABAD.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alka Singh
For the Opposite Party/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 15-05-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with (GR POCSO) 131 of 2023/CIS No. 101 of 2023, arising out of Kasma P.S. Case No. 165 of 2023 dated 05.10.2023 registered for the offences punishable under sections 341, 323, 504, 506, 354B/34 of the Indian Penal Code, 1860, read with section 3(1)(r)(s)(w) (i) and 3(2) (va) of the SC/ST (POA) Act, 1989 and section 8 and 12 of the POCSO Act, 2012.

3. As per the prosecution case, the informant was



coming back from the High school after studying, on the way, the petitioner and the co-accused persons are alleged to have abused, pulled and started molesting the informant. When she started screaming, they abused and assaulted her and run away.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. There is a delay of two days in lodging the F.I.R. and there is no plausible explanation for the same. There is no injury report of the informant on the record. There is no specific allegation against the petitioner rather the allegation is general and omnibus in nature. No member of public was present at the time of the alleged occurrence, hence, no case of SC/ST is made out against the petitioner. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 06.10.2023.

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

6. 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 Court



concerned, Aurangabad in connection with (GR POCSO) 131 of 2023/ CIS No. 101 of 2023, arising out of Kasma P.S. Case No. 165 of 2023.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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