

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39179 of 2024

Arising Out of PS. Case No.-46 Year-2023 Thana- MAHILA PS District- Aurangabad

Sudarshan Yadav @ Sudarshan Kumar Son Of Ashok Yadav Village-
Kushaha, Ps- Deo, Dist- Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. Munni Paswan S/O- Late Saudagar Paswan, R/O- Village- Kushha, Po-
Belsara, Ps- Deo, Dist.- Aurangabad

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ranjit Kumar, Advocate
For the Informant	:	Mr. Ashok Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 06-09-2024 Heard Mr. Ranjit Kumar, learned counsel for the

petitioner and Mr. Ashok Kumar Singh representing the

informant.

2. The petitioner is in judicial custody in connection
with Mahila P.S. Case No. 46 of 2023 for the offence punishable
under Section 354 of the Indian Penal Code and Sections 3(i)(v)
(s) of the SC/ST (POA) Act 1989 and further Sections 8, 12 and
14 of the POCSO Act 2012, lodged on 05.09.2023 by the
informant, Munni Paswan.

3. As per the prosecution story, the complainant
alleged that the victim girl, a minor, was in the school when this
petitioner made obscene act and also tried to snatch her *dupatta*



and when protested, used her caste name, thereafter, present F.I.R. has been lodged.

4. Learned counsel for the petitioner submits that there is an inordinate delay of 47 days inasmuch as the alleged act is said to have been taken place on 10.06.2023 whereas the F.I.R. was lodged on 05.09.2023. The further submission of the learned counsel for the petitioner is that a public land has been encroached by the family which was objected by this petitioner which led to the case.

5. Mr. Ashok kumar Singh, learned counsel for the informant submits that the petitioner is used to abuse the girl, passing vulgar comments and had made her every life nightmarish.

6. At this stage, learned counsel for the petitioner submits that given a chance, if relief is granted, he voluntarily wants to serve the library of S.N. Sinha College, Aurangabad, on Saturday for two months. Further, under no circumstances, he will come in any way either near the girl and/or her family members.

5. Learned APP opposes the prayer for bail.

6. It is unfortunate that the young persons instead of visiting Schools, Colleges have now developed a regular habit



of going through the mobile phones and in the process of abusing the local girls/people in the society.

7. However, the petitioner being of 22 years of age, F.I.R. is there as has been undertaken, he will be appearing in trial and has further given an undertaking that he will have no truck with the girl/her family members and further is ready to serve the Library of S.N. Sinha College, Aurangabad for two hours every Saturday or any day/time to be fixed by the Librarian and at the end of the two months, the petitioner will be submitting the certificate granted by the Librarian before the concerned Court.

8. The petitioner shall be visiting the Library along with the order and present it before the Librarian so that he can do the job as directed by him/her. The further undertaking has been given that if the petitioner in any way tries to contact the girl and/or her family member, the informant shall be free to take steps for the cancellation of his bail bond.

9. 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-VI-Cum-Exclusive Special Judge, POCSO Act, Aurangabad (Bihar) in connection with Mahila P.S. Case No. 46



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 fortnight for next six months 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)

Ankit Kumar/-

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