

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47329 of 2024

Arising Out of PS. Case No.-703 Year-2023 Thana- MAHUA District- Vaishali

Baiju Sah @ Baidyanath Sah, aged about 80 years (Male), Son Of Late Fakira Sah, Resident of village - Chatwara Kapoor, Police Sattion – Mahua, District -Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Dharmesh Kumar, Advocate

For the Opposite Party : Mr. Tarun Prasad Mandal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 29-07-2024 This matter has been listed under the heading ‘For Orders (on office notes)’.

2. Let the defect, as pointed out by the office notes dated 27.06.2024, be ignored.

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

4. The petitioner seeks bail in connection with Mahua P.S. Case No. 703 of 2023 dated 30.10.2023 registered for the offences punishable under Sections 363, 365, 354B/511 of the I.P.C. and Sections 8 and 12 of the POCSO Act.

5. As per the prosecution case, on 29.10.2023, the informant’s minor niece had went to purchase vegetables and in course of that, she felt pressure of urine so she sat for



discharging of urine, in the meantime, the petitioner came from behind and after pressuring her mouth tried to proceed towards forest, meanwhile, some women on visualizing the scene caught hold of the petitioner and assaulted him and his niece was saved by the women. The informant further suspected that the petitioner tried to kidnap her niece with an intention to commit murder after sexual assault.

6. 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 petitioner is aged about 80 years and 3 months and it is beyond imagination that such an offence will be committed by him and that to in full public view with the victim who is aged about 12 years. The petitioner is residing in the same locality and have good relationship with the father of the victim and it is beyond imagination the petitioner being acquainted with the entire family of the victim will try to commit such offence. It is further submitted that the matter has already been compromised between the parties. It is further submitted that no case is made out under Section 354B of the I.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 22.04.2024.



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

8. 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 Additional District and Sessions Judge-VIth-cum-Special Judge, POCSO, Hajipur, Vaishali in connection with Mahua P.S. Case No. 703 of 2023.

9. The application stands allowed.

(Chandra Prakash Singh, J)

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