

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41601 of 2024

Arising Out of PS. Case No.-29 Year-2024 Thana- MAHILA P.S. District- Siwan

Md. Kaif Son of Md. Kalam, Resident of Village - Makhdum Sarai, Miskar Toli, P.S. - Sarai O.P., District - Siwan.

... .. Petitioner

Versus

1. The State of Bihar.
2. Umesh Kumar Prasad (Father of the victim namely Kanak Kumari 13 years old) Son of Late Amrendra Kumar Pandit, Resident of Village - Mahabiri Path, Makhdum Sarai, P.S.- Siwan Town, District - Siwan.

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Bijay Prakash Singh, Advocate
For the Opposite Party	:	Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-09-2024 Heard Mr. Bijay Prakash Singh, the learned counsel for the petitioner, the learned counsel for the informant and Mr. Nawal Kishore Prasad, the learned Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since 23.04.2024, in connection G.R. No. 893 of 2024, arising out of Mahila P.S. Case No. 29 of 2024, FIR dated 21.04.2024, registered for the offences punishable under Sections 354(B) and 506 of the Indian Penal Code and under Sections 8 and 17 of the POCSO Act.

3. According to the prosecution case, the petitioner used to harass the daughter of the informant while she went to



school and he also took her mobile phone number and used to talk in filthy language with her. It is further alleged that the petitioner caught hold of informant's daughter and threatened her to not go to school.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that from bare perusal of the FIR, it appears that the date of occurrence as alleged in the FIR is 03.10.2023, however, the date of institution of FIR is on 21.04.2024, after a delay of about 5 and half months, afterthought, only to falsely implicate the petitioner in the present case and the allegation levelled in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that due to the business rivalry between the petitioner and the informant, the informant has filed the present false case against the petitioner. He lastly submits that the police after investigation has submitted the charge sheet against the petitioner and the petitioner is in custody since 23.04.2024.

5. The learned counsel for the informant as well as the learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the



petitioner and submits that in the statement of the victim recorded under Section 164 of the Cr.P.C., she has firmly stated that the petitioner has always tried to compel her to talk with him.

6. Considering the aforesaid facts and circumstances and mainly the facts that petitioner has clean antecedent and the present FIR has been lodged after a delay of about five and half months without giving any explanation of the delay, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VI-cum-Special Court, POCSO, Siwan, in connection with **Mahila P.S. Case No. 29 of 2024**, subject to the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to



move for cancellation of bail.

(iii). And further condition that the learned trial Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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