

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48586 of 2024

Arising Out of PS. Case No.-147 Year-2024 Thana- BARAUNI District- Begusarai

Vikash Kumar S/o Maheshwar Rai R/o Rani Tola, Ward No. 10, P.S. -
Bachhwara, Distt. - Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Venuja Kumari W/o Randhir Pd. Singh R/o Vill - Harrakh, Ward No. 12, P.S.
- Town, Distt. - Begusarai

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Sameer, Advocate
For the Opposite Party/s : Mr. Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 18-09-2024 Heard learned Advocate for the petitioner and the
learned APP for the State.

2. Application for grant of bail for the petitioner, who
is in custody in connection with Barauni P.S. Case No.147 of
2024 registered for the offence punishable under Sections 4 & 8
of POCSO Act.

3. The FIR has been instituted by the Head Mistress
of Senior Secondary School, Asurari, Begusarai alleging therein
that the petitioner with a wrongful intent indecently touched the
victim and misbehaved.

4. Learned Advocate for the petitioner contended that
the allegation even if taken to be true no case under Sections 4
& 8 of the Protection of Children from Sexual Offences
(POCSO) Act is made out and hardly it is a case under Section



354(B) which is bailable in nature. It is next contended that in fact on account of some misunderstanding the present FIR has been instituted, moreover, the petitioner has already been punished for his misbehaviour and now he has been in custody since 09.04.2024. It is lastly contended that be that as it may, the petitioner is a man of fair antecedent and he undertakes that he will fully co-operate in the investigation or in the proceeding of this Court. Notice has been duly served upon Opposite Party No.2, however, there is no appearance on her behalf.

5. On the other hand, learned APP for the State vehemently opposed the bail application and submits that there is specific allegation of indecent behaviour and wrongful act of the petitioner constituting the offence under the penal provisions of POCSO Act.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the period of custody coupled with the fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ADJ-VI-cum-Special Judge of POCSO Act, Begusarai in connection with Barauni P.S. Case No.147 of 2024, subject to the condition



that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below 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 court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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