

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44321 of 2024

Arising Out of PS. Case No.-5 Year-2024 Thana- BRAHMPUR District- Buxar

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Dipak Kumar Son Of Sudarshan Yadav Village- Yogiya, P.S.- Brahmpur,
Distt.- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anand Kumar Ojha, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-07-2024 Heard Mr. Anand Kumar Ojha, learned counsel for
the petitioner and learned APP for the State.

2. The petitioner seeks regular bail, who is in custody in connection with Brahmpur P.S. Case No. 05 of 2024, for the offences punishable under Sections 341, 354 (B) of the Indian Penal Code read with Section 8 of the POCSO Act, 2012.

3. The allegation against the petitioner is of outraging the modesty of the daughter of the informant. On halla being raised, the petitioner succeeded in fleeing away.

4. Learned advocate for the petitioner contended that the very institution of the FIR is based on the genesis of a land dispute and in fact, the grandfather of the petitioner had purchased a piece of land through registered sale deed in the same khata number where the brother-in-law of the informant



has also purchased another plot through different registered sale deed and as there was some dispute on account of demarcation, this case has been instituted only with a view to put pressure upon the petitioner. It is further contended that the alleged occurrence has taken place on 07.01.2024, however, the present FIR has been instituted on 08.01.2024 at 2.30 PM, thus, it appears that the institution of the present FIR to be a deliberate action. Be that as it may, learned advocate lastly contended that now the petitioner has been incarcerated since 01.05.2024 and he undertakes that he will fully co-operate in the investigation or in the proceeding of the Court.

5. On the other hand learned APP for the State opposes the bail application and submits that specific allegation has been leveled against the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of the allegation and the fact that the petitioner is in custody since 01.05.2024, having 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 Additional District and Sessions Judge-VI-Cum- Special Court, POCSO Act, Buxar in connection with



Brahmpur P.S. Case No. 05 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.

(Harish Kumar, J.)

Priyanka /-

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