

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48456 of 2024

Arising Out of PS. Case No.-85 Year-2024 Thana- KATORIYA District- Banka

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Kundan Kumar Sah SON OF Shailendra Sah VILLAGE- JAMDAHA, PS-
KATORIA, DIST- BANKA

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. AMARKANT CHOUDHARY SON OF LATE JANARDAN PRASAD
CHOUDHARY VILLAGE- JAMDAHA, PS- KATORIA, DIST- BANKA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subodh Kumar Jha, Advocate
For the Opposite Party/s : Mr.Dr. Ajeet Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 21-10-2024 Heard Mr. Subodh Kumar Jha, learned counsel for

the petitioner and the State.

2. The petitioner is in judicial custody in connection
with Katoriya P.S. Case No. 85/2024 for the offence
punishable under Sections 354(b), 366(A) of the Indian Penal
Code read with section 8 of the POCSO Act lodged on
28.04.2024 by the informant, Amarkant Choudhary.

3. As per the complaint, this petitioner entered the
house of the informant and tried to outrage modesty of his
minor daughter. He was caught by family members whereafter,
he managed to escape. Later, when the informant alongwith his



family went to attend 'Sharadh', they received information that the daughter has been taken away by the petitioner. As they went to the house of the petitioner, they were abused. Later, the FIR.

4. It is the case of the petitioner that both are local villagers, grown up together, certain dispute took place whereafter, the implication. He is 21 years of age, trial has commenced and the girl has not said anything adverse against him. The deposition has been brought on record by way of supplementary affidavit. The last submission is that the petitioner is suffering by being in custody since 17.05.2024 (para-1 of the petition).

5. Learned APP opposes the prayer submitting that she was forcefully taken away by the petitioner which she narrated immediately after she returned. However, he concedes that in her deposition, she has not narrated anything adverse against the petitioner.

6. In this case, a coordinate bench had issued notice to opposite party no.2 which has been duly received.

7. Considering the aforesaid submission put forward by the learned counsel for the petitioner as also the deposition of the girl, the petitioner is 21 years of age, do not have



criminal antecedent, is in custody since 17.05.2024 and it has been submitted by the learned counsel for the petitioner that if granted bail, he will be attending the trial without fail, this Court is inclined to extend him the privilege of bail with conditions.

8. 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-6th cum Special Judge, POCSO, Banka, in connection with Katoriya P.S. Case No. 85/2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative 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 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;



(iv) 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)

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