

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53902 of 2024

Arising Out of PS. Case No.-134 Year-2024 Thana- BIKRAM District- Patna

Shobhnath Singh @ Shobhnath Verma Son of Bajrangi Singh @ Bajrangi
Mahto R/V- Village- Arap, P.S.- Bikram Distt.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rajmani Devi Wife of Late Shri Bagwan Sao R/V- Village- Arap, P.S.-
Bikram Distt.- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Patanjali Rishi, Adv.
For the Opposite Party/s	:	Mr. Prem Kumar Jha, APP
For the O.P. No.2	:	None

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

3 29-10-2024 Heard learned counsel for the petitioner and learned
APP for the State. No appears on behalf of the O.P. No.2 despite
valid service of notice. Perused the case diary.

2. The petitioner seeks bail in connection with POCSO
Case No. 90 of 2024 arising out of Bikram P.S. Case No. 134 of
2024 instituted for the offences under Sections 354 and 354A of
the Indian Penal Code and Section 8 of the Protection of
Children from Sexual Offences Act, 2012.

3. As per prosecution case, the accusation against the
petitioner is of molesting the 12-years-old deaf and dumb
granddaughter of the Complainant by holding her from behind.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. He further submits that the petitioner has falsely been implicated in the present case only on account of some dispute regarding payment of grains advanced to the opposite party no.2. The victim girl was neither subjected to medical examination nor her age was determined in accordance with law. There is no eye-witness to the alleged occurrence. The petitioner has one criminal antecedent in which he is on bail and is languishing in judicial custody since 08.04.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the allegation as alleged against the petitioner is serious in nature. From Para-22 of the case diary, it appears that her date of birth is 15.08.2009 and she was about 14 years of age at the time of occurrence. The police, after completion of investigation, submitted charge-sheet against the petitioner under Sections 354, 354(A) of the I.P.C. and Section 08/11 of the POCSO Act and, hence, he does not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as



also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with POCSO Case No. 90 of 2024 arising out of Bikram P.S. Case No. 134 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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