

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65998 of 2024

Arising Out of PS. Case No.-66 Year-2019 Thana- BHOJPUR COMPLAINT CASE District-
Bhojpur

=====

Kanhaiya Pandey S/o- Late Baiju Pandey Village- Bara kharauni Ps-Bihiyan
District- Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Guriya Devi wife of Vishnu Kumar Pandey Village- Bara kharauni Ps-
Bihiyan District- Bhojpur

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Bibhakar Tiwary, Advocate
For the Opposite Party/s	:	Mr. Pranav Kumar, APP
For the Informant	:	Mr. Kumar Goutam, Advocate

=====

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 19-11-2024 Heard learned counsel for the petitioner and learned APP
for the State as also learned counsel for the Informant.

2. The petitioner seeks bail in connection with
POCSO Complaint Case No. 66(c) of 2019 instituted for the
offence under Sections 341, 342 & 354B of the Indian Penal
Code and Section 4 of the POCSO Act.

3. As per the prosecution case, allegation against the
petitioner is of sexually assaulting the daughter of the informant.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 12-04-2024. Petitioner
bears three criminal antecedents, as per disclosure made in



paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. It is submitted that complainant had initially filed Bihiyan P.S. Case No. 231 of 2018 against the petitioner and police after investigation submitted final report, finding the case false against the petitioner. The learned court below accepted the final report submitted by police and passed order for proceeding in the complaint side on the protest filed by the complainant. Learned counsel submits that from perusal of the complaint, it would reveal that petitioner and complainant are residents of same village and there is land dispute between them. Learned counsel fervently submits that complainant is in habit of lodging cases of similar nature against persons with whom she has any dispute.

6. Learned A.P.P. for the State and learned counsel for the Informant have vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case and period of custody of the petitioner, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner 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 Complaint Case No. 66(c) of 2019.

(Rudra Prakash Mishra, J)

Raj Kishore/-

U		T	
---	--	---	--

