

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61777 of 2024

Arising Out of PS. Case No.-103 Year-2024 Thana- MOHANPUR District- Gaya

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Bhola Sao S/o Sanjay Sao @ Gora sao Resident of village Panchayat -
Siriyawa, P.S. - Mohanpur, Distt. - Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rajni Kumari S/o Late Kailash Sao R/o vill - Siriyawa, P.S. - Mohanpur,
Distt. - Gaya

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mrs. Nivedita Nirvikar, Sr. Advocate Mr. Shashank Shekhar, Advocate Mrs. Karishma Awace, Advocate Mr. Amarshakti, Advocate
For the Opposite Party/s :		Ms. Renu Kumari, APP

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

ORAL ORDER

5 03-12-2024 Heard learned counsel for the petitioner and Ms. Renu Singh, learned APP for the State. Perused the case diary. Notice issued to the opposite party was validly served despite which no one turned on her behalf.

2. The petitioner seeks bail in connection with Mohanpur P.S. Case No. 103 of 2024 instituted for the offence under Sections 323, 448, 354-D, 504, 379 & 506 of the Indian Penal Code and Sections 8/12 of the POCSO Act.

3. Prosecution case in short is that petitioner-who is neighbour and cousin brother of the informant-keeps evil eye on her while going to the school and coaching. It is alleged that



time and again on minor issues petitioner went to her house with *lathi* and when she goes to school, petitioner used to say that she goes to meet boys.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 29-05-2024. Petitioner is a man of clean antecedent.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Informant is herself the victim. There is contradiction if the FIR and the statements recorded under Sections 161 and 164 of the Cr.P.C. There is no eye witness to the occurrence. It is submitted that even if the entire prosecution is taken on its face value only allegation against the petitioner is made out under Section 354D. It is lastly submitted that charge sheet has been submitted in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is submitted that informant is not only minor but also the cousin sister of the accused petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, clean antecedent of the petitioner and charge sheet being submitted, 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 Mohanpur P.S. Case No. 103 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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