

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60527 of 2023

Arising Out of PS. Case No.-233 Year-2023 Thana- RAHUI District- Nalanda

Horir Pandit @ Horil Pandit Son of Late Ganauri Pandit Resident of Village-
Mijidpur, 184 PS- Rahui, Dist- Nalanda, Bihar.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh

For the Opposite Party/s : Mr.Suman Kumari Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

5 16-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with POCSO
Case no.88/2023 arising out of Rahui P.S. Case 233/2023, registered
for the offence punishable under Sections 354, 506 of the Indian
Penal Code and Sections 8/12 of the POCSO Act.

3. As per prosecution case, the petitioner is said to have
outraged the modesty of the two children (minor), one is the
informant's daughter and another is the daughter of the informant's
dewar.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence as alleged in the
FIR. The petitioner is aged about 75 years and there cannot be
imagination that he is said to have committed such occurrence. He
further submits that the statements of both victims recorded under
Section 164 of Cr.P.C. are quite divergent from the point of



occurrence. He further submits that due to Bataidari dispute of land, the petitioner has been falsely implicated in the present case. The petitioner is languishing in custody since 08.06.2023 and bears no criminal antecedent.

5. The learned counsel for the informant as well as learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner and submitted that the petitioner is the sole accused who have committed the said occurrence with the two minor girls and the same is corroborated by their statements recorded under Section 164 of Cr.P.C.

6. Considering the facts and circumstances of the case, nature of allegation levelled against the petitioner coupled with the statements of both victims recorded under Section 164 of Cr.P.C. and material available on record, I am not inclined to grant bail to the petitioner. Hence, prayer for bail of the petitioner stands rejected.

7. However, if trial is not concluded within six months from the date of receipt / production of copy of this order, the petitioner may renew his prayer for bail.

(Alok Kumar Pandey, J)

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