

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72511 of 2024

Arising Out of PS. Case No.-299 Year-2023 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Santosh Pandey @ Suiter @ Santosh Kumar Son of Lal Babu Pandey Village-
Bhusari, P.S.- Samastipur Mufassil, Dist.- Samastipur Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Madhav Kumar
For the Opposite Party/s : Mr.Dr. Indihar Kumari

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CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

2 18-10-2024 Heard learned counsel for the petitioner,

informant and learned APP for the State.

The petitioner is languishing in custody in above

case registered for the offences punishable under

Sections 447, 448, 341, 323, 307, 379, 354B, 504,

506, 34 of the Indian Penal Code and Section 8 of the

POCSO Act.

The accusation against the petitioner is of

outraging the modesty of the minor daughter of the

informant aged about 14 years. It is further alleged that

when the informant made complaint against the

petitioner to his family members, all the F.I.R named accused persons including the petitioner assaulted the informant and her other family members.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. The petitioner and the informant are agnates and in the background of some previous land dispute, the present accusation has been levelled against the petitioner. There is counter version of the occurrence also and petitioner's side has also sustained injuries. The impugned order itself suggests that the victim in para 21 of the case diary has denied any internal medical examination. The petitioner is languishing in custody since 10.07.2024.

The learned counsel appearing on behalf of the informant and learned A.P.P appearing on behalf of the State have vehemently opposed the prayer for bail of the petitioner and submitted that there is specific allegation against the petitioner that he outraged the

modesty of the minor daughter of the informant. It has further been submitted that out of eleven prosecution witnesses, eight witnesses have already been examined in this case.

Considering the facts aforesaid and the period under custody, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Court (POCSO), Samastipur in connection with Samastipur Muffasil P.S. Case No. 299 of 2023, subject to the conditions that (i) one of the bailors will be the close family member of the petitioner (ii) petitioner will physically present on each and every date before the trial Court till framing of the charge.

Shageer/-

(S. B. Pd. Singh, J)

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