

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70260 of 2024

Arising Out of PS. Case No.-303 Year-2024 Thana- AMARPUR District- Banka

Udeshwar Choudhary @ Udeshwar Chou Son of Late Anand Lal Choudhary
R/O Vill.- Ratanpur Makduma, P.S.- Amarpur, Dist.- Banka.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Renu Devi Wife of Binod Mandal R/O Vill.- Ratanpur Makduma, P.S.- Amarpur, Dist.- Banka.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar
For the Opposite Party/s : Mr. Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-10-2024 Heard learned Advocate for the petitioner and learned
Additional Public Prosecutor for the State.

2. This is an application for grant of bail to the petitioner, who is in custody in connection with Amarpur P.S. Case No. 303 of 2024, registered for the offences punishable under Sections 376(AB)/511 of the Indian Penal Code and Sections 4 and 8 of the POCSO Act.

3. The allegation against the petitioner is of enticing the daughter of the informant, who is aged about 5 years, after giving her a biscuit for the purpose of wrongful act.

4. Learned Advocate for the petitioner drawing the



attention of this Court to the written report contended that apart from the fact that the petitioner is a man aged about 60 years, there is a delay of 3 days in lodging of the FIR and in fact the FIR has been instituted on account of some misunderstanding. The police after investigation has submitted charge sheet only under Section 354(B) and Sections 8/12 of the POCSO Act; though the learned jurisdictional court has taken cognizance for the offences punishable under Sections 354(B) and 376(AB) of the Indian Penal Code and Section 6 of the POCSO Act against the petitioner. It is further contended that even if the allegation is taken to be true it can hardly be an attempt to commit wrongful act but for that the petitioner has already been punished sufficiently as he is in custody since 21.05.2024. It is lastly contended that the petitioner bears fair antecedent and he undertakes that he will fully cooperate in the trial and will remain present on each and every date.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the act of the petitioner is immoral which constitutes a serious offence and thus he does not deserve any sympathy from this Court.

6. Regard being had to the submissions made on behalf of the parties and considering the delay in lodging of the



FIR and the period of custody as well as the undertaking given before this Court, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-6-cum-Special judge, POCSO, Banka in connection with Amarpur P.S. Case No. 303 of 2024, subject to the condition that one of the bailors shall be the own/close family members of the petitioner with further conditions which are as follows:-

- (i) The petitioner shall remain present on each and every date of trial to facilitate its early conclusion.
- (ii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iii) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

Anjani/-

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

