

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75025 of 2023

Arising Out of PS. Case No.-168 Year-2022 Thana- AMARPUR District- Banka

Mithun Kumar, aged about 30 years, Male, Son of Bhero Mandal, Resident of Village - Kishanpur, P.S. - Amarpur, District – Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

3 22-02-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Amarpur PS Case No.168 of 2022, corresponding to Special POCSO Case No. 17 of 2022 instituted for the offences punishable under Sections 354 (B) of the Indian Penal Code and Section 8 of the POCSO Act.

3. As per the prosecution case, petitioner has committed sexual assault on the minor girl of the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case due to dirty village politics. There is previous enmity between the parties. The entire



allegation as alleged against the petitioner by the informant is false and concocted.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR, case diary, statement recorded under Section 164 of the victim girl and impugned order passed by the learned Additional Sessions Judge-6-cum Spl. Judge POCSO, Banka dated 10.08.2023, it appears that the FIR, registered against the petitioner under Section 354 (B) of Indian Penal Code and Section 8 of the POCSO Act. The prosecution story of the informant has been corroborated by the victim in her statement recorded under Section 164 of the Cr.P.C. and para 32 of the case diary and during the examination in Court of P.W.-1. Further, the prosecution story has been corroborated by her father and mother as P.W. 2 and P.W. 3 respectively. The allegation is very serious in nature. Petitioner is in custody since 04.04.2022, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named 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 the learned Additional Sessions Judge-6th, Banka in connection with Amarapur PS Case No. 168 of 2022 corresponding to Spl. POCSO Case No. 17 of 2022, subject to



the following conditions:-

(i) The petitioner shall be present on each and every date fixed by the trial Court and upon absent from two consecutive dates his bail bond shall be cancelled.

(ii) One of the bailors shall be the close relative of the petitioner.

(Ramesh Chand Malviya, J)

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