

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84572 of 2023

Arising Out of PS. Case No.-120 Year-2023 Thana- PARSAUNI District- Sitamarhi

MURTUJA @ PREM @ MD.MURTUJA SON OF KUDIS, R/O VILLAGE-
KORA HARBANSH, P.S.- PARSAUNI, DISTRICT- SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Adv

For the Opposite Party/s : Mr.Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 10-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Parsauni P.S. Case No. 120 of 2023 registered on 10.09.2023
lodged under Sections 354B/504/506 I.P.C. and 66(C)/67 of the
Information Technology Act and Section 8 of POCSO Act.

3. As per the content of the F.I.R., it is very much
clear that there is friendship between the petitioner and the
informant and they used to visit in the coaching institute and
took joint photograph of the informant and made it viral.

4. Counsel further submits that on the basis of
allegation made, no ingredients of 354B of I.P.C. is there in the
F.I.R. Counsel further submits that petitioner is innocent and has
committed no offence. He further submits that petitioner is in



custody since 11.09.2023 having clean antecedent.

5. Learned counsel for the State opposes the prayer for bail and submits that fraud has been committed as petitioner has not disclosed his identity from the informant.

7. Upon specific query made by this Court that whether charge has been framed or not, counsel for the petitioner submits that he is not aware of this fact that charge has been framed or not.

8. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail ***after framing of charge*** and on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge VI-cum-special Judge POCSO, Sitamarhi in connection with Parsauni P.S. Case No. 120 of 2023, subject to the following conditions as well as the conditions laid down under Section 437 (3) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

9. With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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