

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5296 of 2025

Arising Out of PS. Case No.-264 Year-2024 Thana- MADHUBAN District- East Champaran

Mahavir Kumar @ Mahavir Das S/o Ramchandra Das R/o Village- Gopalpur,
PS- Madhuban, Distt- East Champaran

... .. Petitioner

Versus

1. The State of Bihar
2. XXXX W/o Jaishankar Mishra R/o vill - Gopalpur, P.S. - Madhuban, Distt.- East Champaran

... .. Opposite Parties

Appearance :

For the Petitioner : Mr. Shashank Shekhar, Advocate
For the State : Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 15-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail, apprehending his arrest, in connection with Madhuban P.S. Case No. 264 of 2024, dated 28.06.2024 registered for the offences punishable under Sections 341, 323, 354, 504, 506/34 of the Indian Penal Code, Sections 66E, 67 of the I.T. Act and Section 8 of the POCSO Act.

3. As per allegation, the indecent photograph of the informant has been uploaded on facebook by the petitioner by making a fake ID.

4. Learned counsel for the petitioner submits that the



Petitioner is innocent and has falsely been implicated in this case. He further submits that as a matter of fact, the father of the informant had taken Rs.50,000/-as loan from the father of the petitioner but when the same was asked to return, the present false case has been lodged. He also submits that admittedly, the photograph in question has not been uploaded from the ID of the petitioner.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has no criminal antecedents.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned VIIth Additional District and Sessions



Judge-cum-Special Judge, POCSO Act, East Champaran at Motihari, in connection with Madhuban P.S. Case No. 264 of 2024, subject to the conditions as laid down under Section 438 (2) Cr.PC and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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