

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77687 of 2024

Arising Out of PS. Case No.-405 Year-2024 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

Manish Kumar Son of Ram Yatan Ram Resident of Village- Dhurlakh (Kali
Mandir ke Pas), PS- Muffasil, District- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Savita Kumari Wife of Dipak Ram Resident of Village- Dhurlakh (Kali
Mandir ke Pas), P.S.- Samastipur Muffasil, Distt.- Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Bijay Bhushan Prasad, Adv.
For the Opposite Party/s :	Md. Ataur Rahman, A.P.P.
	Mr. Shekhar Harshvardhan, Adv.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 29-01-2025 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Muffasil P.S. Case No. 405 of 2024, registered for the offences under Sections 74 and 76 of the Bharatiya Nyaya Sanhita and Sections 8 and 12 of the Protection of Children from Sexual Offences Act.

3. As per the prosecution case, the allegation against the petitioner is that of inappropriately touching the seven year old daughter of the informant in inebriated condition.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The informant and petitioner are



next door neighbours. There was some land dispute between the parties. On the date of occurrence the petitioner has been coming on a motorcycle and the daughter of the informant came before him and dashed with the motorcycle and the petitioner scolded her and some hot exchange of words took place and thereafter, informant lodged this false case. Learned counsel further submits that informant realized his mistake and has now settled the matter and a petition has been filed before the learned trial court regarding the compromise. The petitioner is in custody since 02.10.2024 and charge sheet has been submitted. The petitioner has no criminal antecedent.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner. Learned A.P.P. submits that the allegation shows the perversity of the petitioner and this victim girl also supported the prosecution case about petitioner taking her in his lap and touching her chest. Learned counsel for the informant submits that however, the matter has been compromised between the parties and application in this regard has been filed before the learned trial court.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the submission of charge sheet, period of custody of the petitioner



and his clean antecedent, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge (POCSO) Samastipur/concerned court, in connection with Muffasil P.S. Case No. 405 of 2024, subject to the condition laid down under Section 437(3) of the code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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