

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77347 of 2024

Arising Out of PS. Case No.-566 Year-2024 Thana- BIHTA District- Patna

Rahul Vishwakarma S/o Lal Babu Vishwakarma R/o Village- Anandpur, PS- Bihta, Distt- Patna

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Sabita Devi W/o Vinod Vishwakarma R/o Village- Anandpur, PS- Bihta, District- Patna

... .. Opposite Party/s

Appearance :
For the Petitioner/s : Mr.Parmeshwar Vishwakarma, Adv.
For the Opposite Party/s : Mr.Manoj Kumar, A.P.P.
Mr. Brajesh Tiwary, Adv.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 22-01-2025 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 Special POCSO Case No. 170 of 2024 arising out of Bihta P.S. Case No. 566 of 2024, registered for the offences under Sections 342, 323, 354, 354(B), 506 of the Indian Penal Code and Section 8 of the POCSO Act.

3. As per the prosecution case, the petitioner came to the roof of the house of the informant where minor daughter of the informant had been sleeping and grabbed her with wrong intention and started molesting her.

4. Learned counsel appearing on behalf of the

petitioner submits that petitioner is innocent and has been falsely implicated as the petitioner is cousin of the victim and there is dispute over 10 inch land of the petitioner which has been encroached by the informant. There is contradiction in the statements of the informant, the father and brother of the victim girl. The occurrence took place in the night and it is not believable that the informant and the victim girl saw the petitioner fleeing away from the spot. Learned counsel further submits that the matter has been compromised between the parties. The petitioner is in custody since 27.06.2024 and charge sheet has been submitted against him. 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 counsel for the informant further submits that the matter has been compromised between the parties.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the clean antecedent of the petitioner, submission of charge sheet and period of custody of the petitioner, 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-VII-cum-Special Judge, POCSO Patna/concerned court, in connection with Special POCSO Case No. 170 of 2024 arising out of Bihta P.S. Case No. 566 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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