

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78313 of 2024

Arising Out of PS. Case No.-577 Year-2024 Thana- MOHANIYA District- Kaimur (Bhabua)

Sanjay Singh S/o- Jiut Singh Resident of village -Bhopatpur Pusauli PS-
Mohaniya Dist- Kaiimur (Bhabhua)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sohani Kumari D/o- Mohan kumar Chaturvedi Resident of Village-
Bhopatpur Pusauli PS- Mohaniya Dist.- Kaimur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kumari Anupam, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 28-01-2025 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Mohaniya P.S. Case No. 577 of 2024 instituted for the offence
under Section 76 of the Bharatiya Nyaya Sanhita, 2023 and
Sections 8 & 12 of the POCSO Act.

3. The prosecution case in short is that when the
victim was alone in her house, petitioner came there and started
molesting her, torn her clothes and also tried to commit wrong
with her. It is further alleged that co-accused, Sanjay, S/O-
Abhimanyu Singh, who is also a friend of the petitioner, used to
misbehave and harass the victim, finding her alone in the way.



4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 18-09-2024. Petitioner bears two criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. There is delay of two days in lodging of the FIR. It is submitted that there is contradiction in the statement of the victim recorded under Section 183 of the BNSS, 2023 and the FIR. Parties are neighbours. It is next contended that independent witnesses have not supported the prosecution case. It is submitted that real fact behind institution of this case is that father of the informant has taken Rs. 50,000/- as loan from one Sanjay Singh, S/O-Abhimanyu Singh, and to grab the said money, present case has been instituted. Petitioner is not concern with the transaction of money. It is lastly submitted that police after investigation has submitted charge sheet in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner by submitting that in order to collect said loan amount on behalf of co-accused, petitioner came at the house of the victim and finding her alone, abused and assaulted her. Other witnesses



have supported the prosecution case, which fact finds mention at paragraph Nos. 35 & 49 of the case diary.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, there being no cogent material against the petitioner and charge sheet being submitted, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner 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 Court below/concerned Court in connection with Mohaniya P.S. Case No. 577 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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