

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78743 of 2024

Arising Out of PS. Case No.-296 Year-2024 Thana- DHANARUA District- Patna

Chotu Bind S/O Munarik Bind R/o -Dumra Colony, P.S.- Dhanarua, Dist - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Narendra Ravidas S/O Naesh Ravidas R/O Dumra Colony, P.S- Dhanarua, Distt.- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ram Jiban Pd Singh, Advocate
For the Opposite Party/s	:	Mr. Binay Krishna, APP
For the Informant	:	Mr. Shyam Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 28-01-2025 Heard learned counsel for the petitioner and learned APP for the State as also learned counsel for the informant. Perused the case diary.

2. The petitioner seeks bail in connection with Special (POCSO) Case No. 146 of 2024 arising out of Dhanarua P.S. Case No. 296 of 2024 instituted for the offence under Sections 341, 323, 324 & 354 of the Indian Penal Code, Sections 8 & 12 of the POCSO Act and Sections 3(1)(r)(s)(w)(i) of the SC/ST Act.

3. As per prosecution case, daughter of the informant went for easing herself towards field and in the meantime, petitioner attempted to tamper his daughter due to which she



became injured.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 08-08-2024. Petitioner bears no criminal antecedent, 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. Informant is not the eye witness to the occurrence. It is submitted that I.O. recorded the statement of the victim under Section 161 of the Cr.P.C. in which she cropped up story of the use of knife and she sustained injury caused by it. Injury was report reveals that victim sustained lacerated wound. It is submitted that there is only allegation of attempt of sexual assault. It is next submitted that petitioner is mentally disturbed and medical description is enclosed at Annexure-3 to the bail application. It is submitted that charge sheet has been submitted in this case and court below also took cognizance.

6. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner by contending that victim is minor. Witnesses have also supported the prosecution case, which fact finds mention at paragraph Nos. 11 & 12 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 cognizance being taken, 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 Special (POCSO) Case No. 146 of 2024 arising out of Dhanarua P.S. Case No. 296 of 2024, subject to 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.

(III) If the petitioner tampers with the evidence or the witnesses of the case by intimidating/pressurizing the witnesses, during the investigation or trial, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(IV) If the petitioner is found indulged in any



criminal activity or commission of any crime after being released on bail, the prosecution will be at liberty to file an appropriate application before the court below for cancellation of his bail.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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