

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79204 of 2024

Arising Out of PS. Case No.-336 Year-2024 Thana- VAISHALI District- Vaishali

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Dhiraj Kumar Jha Son of Baliram Jha R/O Vill.- Jarang Dharampur, P.S.-
Vaishali (Belsar O.P.), Dist.- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Praveen Dubey Son of Anup Dubeya R/O Vill.- Jarang Dharampur, P.S.-
Vaishali (Belsar O.P.), Dist.- Vaishali.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar, Advocate

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4 05-02-2025 Heard learned counsel for the petitioner learned APP
for the State and learned counsel for the informant.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 126/115(2)/74 of the BNS and Section 8 of the POCSO Act.

3. The case of the prosecution is that the minor daughter of the informant was at door of the informant at that time, the petitioner took her to his house for cooking food. It is further alleged that he started teasing the daughter of the informant and caught her. Anyhow, the victim raised alarm and came out of the house.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. He has falsely been implicated in this case. During the course of investigation, the victim has given her statement under section 183 of BNSS wherein she stated that the petitioner entered in the house and took her to his house after this, knocked her down on a cot and attempted to unzip her and she raised alarm then villagers arrived. From perusal of the statement of the victim it is clear that according to her, the petitioner had entered in her house and then taken her to his house whereas according to the FIR, the petitioner has called her in his house for making food there is variance in the manner of the occurrence, in the statement of the victim and in the FIR it is only stated that she was being teased and caught by the petitioner whereas in her statement 183 of the BNSS the victim has stated that she was being knocked down on a cot and the petitioner attempted to unzip her. Learned counsel for the petitioner has submitted that there is dispute between the parties due to which he has falsely been implicated in this case. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 29.08.2024.

5. Learned APP appearing for the state and learned



counsel for the informant have opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Vaishali (Belsar O.P.) P.S. Case No. 336 of 2024 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned ADJ 6th cum Special Judge POCSO Act, Hajipur, Vaishali.

(Ashok Kumar Pandey, J)

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