

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90120 of 2024

Arising Out of PS. Case No.-104 Year-2024 Thana- PURUSHOTTAMPUR District- West
Champaran

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Laddu Alam @ Saifullah Son of Abdullah Sheikh @ Md. Abdullah Resident
of Village- Purushottampur, P.S.- Purushottampur, Distt.- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pramod Kumar Son of Surendra Sah Resident of Village- Purushottampur,
P.S.- Purushottampur, Distt.- West Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate

For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

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

ORAL ORDER

4 28-04-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Purushottampur P.S. Case No. 104 of 2024 instituted for the
offence under Sections 64, 62, 353, 351(2) of the Bharatiya
Nyaya Sanhita, 2023 and Sections 4 & 6 of the POCSO Act.

3. As per prosecution case, accusation against the
petitioner is of molesting and attempting rape on minor victim
when she went to buy nails from the petitioner's shop.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 25-11-2024. Petitioner
bears no 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. Learned counsel for the petitioner submits that the informant purchased goods worth Rs. 44,465/- from the petitioner's shop but paid only Rs. 10,000/-, and to avoid paying the balance, he falsely implicated the petitioner in this case. The informant used his *bhagini* as a tool to fabricate the allegations. It is next submitted that no public alarm was raised during the alleged incident, despite it occurring at 12:30 PM, indicating a concocted story. Offences under Sections 4 and 6 of the POCSO Act are not attracted, and Section 64 of the B.N.S. is also not made out against the petitioner. As per medical report, doctor has opined that there is no evidence of recent sexual intercourse.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Victim in her statement recorded under Section 183 of the BNSS, has supported the prosecution case. Police after completion of investigation has submitted charge sheet in this case.

7. Considering the aforesaid facts and circumstances of the case, period of custody of 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, *after framing of charge, if not already framed*, 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 Purushottampur P.S. Case No. 104 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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