

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 30760 of 2021

Arising Out of PS. Case No.-405 Year-2020 Thana- LALGANJ District- Vaishali

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ARVIND SHARMA @ ARVIND KUMAR S/o Dinesh Sharma @ Dinesh Kumar Sharma R/o Village- Barbanna, P.S.- Lalganj, District- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manish Chandra Gandhi, Advocate

For the Opposite Party/s : Mr.Murli Dhar, APP

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

2 31-08-2021 Petitioner, who is in custody, seeks bail in a case registered for the offences punishable under Section 341, 323, 354(A), 354(B), 504, 506/34 of the Indian Penal Code and Section 12 of the POCSO Act.

Informant is the father of victim, who has alleged in his written complaint that on 25.12.2020 when his minor daughter was going to her maternal grand-mother's house at Chimnapur, in the meantime, co-accused Bablu Ram and Golu Kumar Sharma started teasing her and on protest by the villagers, petitioner along with other F.I.R. named co-accused and 4-5 unknown persons assaulted them.

It has been submitted on behalf of the petitioner

that he is innocent and has been falsely implicated in this case on account of village rivalry and animosity. There is no allegation of any eve teasing against petitioner. Petitioner has been implicated only with a motive to harass him and his family members because petitioner and his two younger brothers have also been made accused in this case. It has been further submitted that I.O. has not recorded statement of victim either U/s. 161 or 164 of the Cr.P.C. Charge sheet has been submitted in this case. Petitioner and informant have compromised the matter. Petitioner is in custody since 26.12.2020.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive special Court POCSO-Cum-Children-Cum-A.D.J.-VI, Vaishali at Hajipur, in connection with Lalganj P.S. Case No. 405 of 2020, subject to conditions that:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-

operate in the trial and shall be properly represented on each and every date fixed by the court and his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

Rajiv/veena-

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