

In the Court of Addl. Sessions Judge-VI-cum-Spl. Judge POCSO, Act, Patna.

At Present:- Awadhesh Kumar,
Addl. Session Judge-VI-cum-
Spl. Judge POCSO, Act, Patna.

Reference:- **Spl. (POCSO) Case No. 209C of 2018**, arising out of
Bakhtiyarpur P.S. Case No. 513 of 2018, registered under
Section **323, 341, 307, 385, 365, 427, 354/34** of IPC and
Section **12** of POCSO Act.

Name of Petitioner:- Tuntun Kumar Rai, S/o Lalan Rai, R/o Village Naya
Tola, Bakhtiyarpur, P.S. Bakhtiyarpur, District Patna.

Counsel for the petitioner: Mr. Akhilesh Kumar, Ld. Advocate.

Counsel for the State: Mr. Suresh Chandra Prasad, Ld. Spl. P.P.

Date of Order: 17.02.2022.

Order

1. This bail petition has been filed on behalf of the accused petitioner, namely, Tuntun Kumar Rai, S/o Lalan Rai, R/o Village Naya Tola, Bakhtiyarpur, P.S. Bakhtiyarpur, District Patna, who is under custody since 05.02.2022, in connection with **Spl. (POCSO) Case No. 209C of 2018**, arising out of **Bakhtiyarpur P.S. Case No. 513 of 2018**, registered under Section **323, 341, 307, 385, 365, 427, 354/34** of IPC and Section **12** of POCSO Act.

2. Heard the learned counsel for the petitioner and learned Spl. P.P. for the State.

3. The prosecution case in short, informant has alleged that on 10.10.2018 accused persons firstly abused and assaulted her driver and demanded Rs.50,000/-.

On 11.10.2018 at about 07:00 A.M. driver reached at the house of informant and narrated the matter. Informant informed the matter to her husband as he was not at the house.

At about 12:00 noon accused persons reached at the house of informant, broke d the door and entered in her house. They started abusing and assaulting of the minor daughter of informant. They wanted to know about the husband and son of informant. Anyhow, informant raised alarm some local persons assembled there and thereafter accused persons fled away. It is stated by the informant that accused persons damaged the vehicle of informant.

It is also alleged that earlier accused persons wanted to kill her husband. They have made firing as resulted husband of informant had sustained several fire arms injury and any who he saved after treatment. It is further alleged that accused persons kidnapped the driver of informant.

4. In course of investigation driver of informant was produced for statement under Section 164 of Cr.P.C. He has stated before the court that Bhajan Kumar, Guddu Kumar, Monu Kumar and other accused-persons kidnapped her and they left him near the Champapur Four lane road. In course of statement kidnapped driver given statement before the learned Judicial Magistrate that accused persons have given threatening to kill him. Accused persons had damaged vehicle of his owner, they have assaulted family members as well as cattle and dog also.

5. The learned counsel appearing on behalf of the accused has submitted that petitioner has committed no offence, he has been falsely implicated in this case due to enmity. So, it has been prayed that this accused may kindly be enlarged on bail.

6. On the other hand learned counsel appearing on behalf of the State has vehemently opposed the prayer for bail of this petitioner.

7. Considering the facts and circumstances of this case, nature of allegation it appears that act of the accused person shows that they are professional criminal. They have assaulted the informant and her family members earlier too occurrence was done with the family member of informant. Minor daughter of informant was also assaulted.

8. Under the aforesaid situation, I am not in opinion to release the accused-petitioner on bail. Hence, the prayer for bail to the petitioner, namely, Tuntun Kumar Rai in connection with **Spl. (POCSO) Case No. 209C of 2018**, arising out of **Bakhtiyarpur** P.S. Case No. **513** of **2018** is hereby **rejected**.

(Dictated)

Sd/-

(Awadhesh Kumar)
Addl. Sessions Judge-VI
-cum- Spl. Judge POCSO, Act,
Patna.
Dated: 17.02.2022