

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19416 of 2019

Arising Out of PS. Case No.-100 Year-2018 Thana- HABIBPUR District- Bhagalpur

Kamal Ram @ Kamal Singh, Male, Aged about 47 years Son of Shri Shiv Narayan, Resident of Village- Takichak Shalepur, P.S.- Habibpur, District- Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Shyam Kishor Das, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 05-04-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 354(A)(D) and 506/34 of the Indian Penal Code and Section 12 of the POCSO Act registered in connection with Habibpur P.S. Case No. 100 of 2018.

3. It is submitted that the petitioner has been falsely implicated as there is inordinate delay in instituting the first information report on 01.07.2018 for the alleged occurrence of 27.06.2018. The thrust of accusation is against co-accused Bishnu Kumar Ram and according to the averments made in the FIR, neither the ingredients of offence under Section 354(A) (D) of the IPC nor Section 12 of the POCSO Act are made out against the petitioner. Even though according to the fardbeyan, the said co-accused Bishnu Kumar Ram is said to have come with the petitioner and four unknown persons, FIR has not been instituted against any unknown persons. The petitioner claims clean antecedents.

4. Be that as it may, in the event of the petitioner's arrest



or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge, 1st, Bhagalpur in connection with Habibpur P.S. Case No. 100 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and with further conditions --

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Vikash Jain, J)

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