

**IN THE HIGH COURT OF JUDICATURE AT PATNA
FROM CHAMBERS VIA VIDEO APPLICATION
CRIMINAL MISCELLANEOUS No.25179 of 2021**

Arising Out of PS. Case No.-444 Year-2019 Thana- GAURICHAK District- Patna

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NIRMAL KUMAR Son of Bal Kishun Mahto Resident of Village - Rampur,
P.S. - Gaurichak, District - Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

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

For the Opposite Party/s : Mr. Nitaya Nand Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 21-09-2021 Learned counsel for the petitioner undertakes to

remove all the defects pointed out by the Stamp Reporter within

four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Nitaya
Nand Tiwary, learned APP for the State.

The petitioner in the present case is seeking regular

bail in connection with Special Case No. 229 of 2019 arising out

of Gaurichak P.S. Case No. 444 of 2019 registered for the

offences punishable under Sections 448, 354 (B) of the Indian

Penal Code and Section 8, 12 of POCSO Act and Section

3(1)(i), 3(2) V(a) of SC/ST Act.

Learned counsel for the petitioner submits that as per

the prosecution story that in the night of 10.11.2019 at about

11.30 P.M, one Nirmal Kumar (petitioner) entered into the house of the informant and started to outrage her modesty and when she raised alarm the petitioner fled away.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. The petitioner is in custody in connection with the present case since 11.11.2019 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case, the observation of learned Predecessor Bench of this Court in Cr. Misc No. 14127 of 2020 and that the petitioner has remained in custody for one year ten months in connection with this case, he has otherwise no criminal antecedent, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional District Judge 1st , Patna in connection with Special Case NO. 229 of 2019 arising out of Gaurichak P.S. Case No. 444 of 2019, subject to the conditions as laid down under Section 437(3) Cr.P.C.

And further condition that the court below shall verify

the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.