

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27626 of 2021

Arising Out of PS. Case No.-588 Year-2020 Thana- DANAPUR District- Patna

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DHARMENDRA KUMAR @ KALLU@ KALLU KUMAR Son of
Sidheshwar Prasad Resident of Village - Asopur, P.S.- Danapur, Distt.- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Deovind Kumar Singh, Advocate

For the Opposite Party/s : Mr.Nityanand, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-11-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Special Case (POCSO) No. 184 of 2020 arising out of Danapur P.S. Case No. 588 of 2020 registered for the offences punishable under Sections 342, 366(A), 376 D(A), 120(B), 34 of the I.P.C. and Section 4 of POCSO Act.

According to prosecution case, on 10.10.2020 the informant came out from the house of one Seema Devi in which she was working as maid for going to her village and reached at Danapur Railway Station. Meanwhile, a person came there and



sat beside the informant and asked that where she has to go. She stated that she has to go Bihian. The said person told the informant that let her go with him to his house in which his wife and children reside. In the meantime, another person came there and both the persons got sat the informant in the tempo. The informant further alleges that the accused persons were taking their name as Rajesh and Tamater. The ifnormant further alleges that co-accused Rajesh made telephonic call with Tulsi and Kallu in the way. Co-accused Rajesh and Tamater brought her in a godown and committed rape on her.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. Learned counsel further submits that according to FIR, allegation against the petitioner is that he closed the door along with other from the outside. There is no allegation of rape against the petitioner. From perusal of statement of victim recorded under Section 164 of the Cr.P.C. it is clear that allegation of rape is against Rajesh and Tamater. Petitioner is in custody since 11.10.2020.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as



well as submissions of the parties, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 1st cum Special Judge, POCSO, Patna in connection with Special Case (POCSO) No. 184 of 2020 arising out of Danapur P.S. Case No. 588 of 2020, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

3. 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.

(Rajesh Kumar Verma, J)

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