

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32477 of 2021

Arising Out of PS. Case No.-115 Year-2019 Thana- PIYAR District- Muzaffarpur

ROHIT KUMAR S/O DEVENDRA MAHTO R/o village- Badgown, P.S.-
Pear, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K., Adv.
For the Opposite Party/s : Mr. Pranav Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-11-2021 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in connection with Pear P.S. Case No. 115 of 2019 registered for the offence under Sections 376, 511 and 34 of the Indian Penal Code and Section 67(B) (C) of the I.T. Act as well as Section 8 of POCSO Act.

The petitioner along with his associates are alleged to have tried to commit rape with the informant and made a video clip of the said alleged occurrence.



Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. In fact, no such occurrence as alleged in the F.I.R. ever took place rather the petitioner has been made accused in this case due to previous enmity between the petitioner and informant family. Neither any independent witness has supported the prosecution version nor any cogent material is available on record against the petitioner. Moreover, the co-accused, namely, Sunil Kumar, having more or less similar allegation, has already been granted bail by a co-ordinate Bench of this Court vide order dated 09.01.2020 passed in Cr. Misc. No. 59015 of 2019. The petitioner is rotting in judicial custody since 17.02.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Additional Sessions Judge-7th -cum- Special Judge, POCSO Act, Muzffarpur in connection with Pear P.S. Case No.



115 of 2019 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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