

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37759 of 2021

Arising Out of PS. Case No.-60 Year-2019 Thana- MAHILA P.S. District- Rohtas

KAMLESH KUMAR Son of Ram Dheyman Singh Resident of Village - Kali
Bigha, P.S.- Amjhor, Distt.- Rohtas.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sharma

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 22-09-2021 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for
the offence punishable under Section 376(G)/34 of the Indian
Penal Code and u/s 4 of POCSO Act

Prayer for bail of this petitioner was earlier rejected
by this court vide order dated 19.03.2020 passed in Cr. Misc.
No. 78011/2020. It is submitted that after framing of charge in
this case some witnesses have been declared hostile and some of
them, including the victim, have not supported the allegation as
alleged in the FIR, which is evident from Annexure-4 series of
the bail petition. Similarly situated accused Jitendra Kumar has
already been granted bail by a co-ordinate Bench of this court
vide order dated 04.08.2021 passed in Cr. Misc. No. 31392/2021
and desirability of consistency will require that this petitioner
should also be released on bail. Petitioner claims clean



antecedent and is in custody since 18.10.2019 and investigation in this case is complete.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the facts of the case and the period of custody of the petitioner, 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 Additional Sessions Judge, Rohtas at Sasaram in connection with Mahila (Rohtas) PS case No. 60/2019 on 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 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.

BKS/-

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(Prabhat Kumar Singh, J)

