

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38452 of 2021

Arising Out of PS. Case No.-466 Year-2020 Thana- BHABHUA District- Kaimur (Bhabua)

LAV PATEL @ SHERU @ SHAHZAD ALAM Son of Mukhtar Alam
Resident of Village- Bhabua, Ward No. 13, P.S.- Bhabua, District- Kaimur at
Bhabua.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rajani Kant Pandey, Advocate

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-12-2021 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 Bhabua P.S.
Case No. 466 of 2020 registered for the offences punishable
under Sections 376(G) of the IPC, Section 6 of the POCSO Act
and Section 3(2) (v) of SC/ST Act.

The allegation against the petitioner is that he took the
informant, a minor girl aged about 17 years, to his room and on
false pretext of marriage committed rape on her. It is further
alleged that in the evening of alleged occurrence petitioner
called his friend and both of them committed the same offence



against the informant.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case. Learned counsel further submits that during trial the victim girl denied the identification of the petitioner (Annexure-2). She further states that petitioner has not committed rape with her at the time of occurrence. Learned counsel submits that petitioner is Shahzad Alam and the victim girl has named one Lav Patel @ Sheru but the police has arrested the petitioner with false identification. Petitioner is in custody since 24.07.2020.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as period of custody, 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-1 cum Special Judge, Kaimur at Bhabua in connection with Bhabua P.S. Case No. 466 of 2020, Adult Criminal Trial No. 07 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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