

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45032 of 2021**

Arising Out of PS. Case No.-181 Year-2021 Thana- NAANPUR District- Sitamarhi

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KAMLESH KUMAR S/o RAJ KUMAR R/o VILLAGE-PATUKA, P.S.-
NANPUR, DISTRICT-SITAMARHI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Adv.

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

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 10-12-2021 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 Nanpur P.S. Case No. 181 of 2021 registered for the offence under Sections 342, 376, 506 and 34 of the Indian Penal Code and Section 4 and 8 of the POCSO Act.

The case relates to commission of rape on the point of pistol upon the informant by the petitioner and others.

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, the alleged occurrence took place on 27.05.2021 whereas the F.I.R. has been lodged on 02.06.2021 after lapse of almost five days without explaining the plausible delay which creates doubt over the prosecution version. Moreover, the specific allegation of commission of rape is attributed to one Dipak Kumar and this petitioner is said to be associated with him. The petitioner is rotting in judicial custody since 04.06.2021.

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 District Judge-VI, -cum- Special Judge, POCSO Act, Sitamarhi in connection with Nanpur P.S. Case No. 181 of 2021 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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