

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.111 of 2021**

Arising Out of PS. Case No.-317 Year-2013 Thana- ARA NAWADA District- Bhojpur

DINESH KUMAR S/o Late Lalu Singh R/o Mohalla- Pakri, P.S.- Ara
Nawada, District- Bhojpur

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Abhisek, Advocate

For the Opposite Party/s : Mr. Upendra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

6 17-08-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

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

Petitioner in the present case is seeking regular bail in connection with POCSO case No. 13Aof 2013 arising out of Ara Nawada P.S. Case No. 317 of 2013 registered for the offences punishable under Sections 313, 366, 376 and 34 of the Indian Penal Code and $\frac{3}{4}$ of the Protection of Children from Sexual Offences (POCSO) Act, 2012.

As per the prosecution story the victim girl alleged that this petitioner and the co-accused Brajesh Kumar had promised her to marry and on the allurements of marriage, she was being

subjected to sexual intercourse for about six months. On 05.09.2013 both of them had allured her to marry and established physical relationship one after another whereafter she became pregnant. It is alleged that she told this fact to the accused persons whereupon the co-accused Brajesh Kumar told her that he would give her medicine for abortion. On the asking of the accused persons, the informant took medicine whereafter she started bleeding and was brought to Sadar Hospital where she was being treated.

Learned counsel for the petitioner submits that it is a case of false implication of the petitioner. On a bare reading of the ferdbeyan it would appear that the victim girl was in love with the co-accused Brajesh Kumar and the petitioner in the present case has been involved only to pressurize the family members of the co-accused. Co-accused Brajesh Kumar has been granted bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 9079 of 2014 after about ten months of custody. In course of trial the prosecution miserably failed to bring any evidence to prove the charge against the co-accused Brajesh Kumar. He has, thus been acquitted from the charges under Section 313 and 376 of the Indian Penal Code in POCSO Case No. 13 of 2013 by learned Additional District and Sessions Judge-VI Court, Bhojpur.

Learned counsel submits that the petitioner was earlier

declared absconder, however, he is in custody in connection with this case since 28.06.2020. It is submitted that during more than one year of his custody no progress has been made in course of trial and in the present day's pandemic situation the trial is not likely to conclude in near future.

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

Considering the facts and circumstances of the case, the petitioner in this case has though been declared absconder earlier but is in custody for one year two months and on finding that in course of trial of the co-accused who was granted bail by a learned co-ordinate Bench of this Court, the prosecution witnesses were declared hostile and the prosecution miserably failed, this court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Ara, Bhojpur in connection with POCSO case No. 13A of 2013 arising out of Ara Nawada P.S. Case No. 317 of 2013 subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar

to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Rishi/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.