

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.3499 of 2021**

Arising Out of PS. Case No.-152 Year-2018 Thana- ATHMALGOLA District- Patna

JAMAHIR RAI son of late Sitab Rai Resident of Budhra, P.S.- Atmalgola,
District- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Amresh Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Md. Mustaque Alam, A.P.P.

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

2 12-04-2021 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 Special (POCSO) Case No. 130A/2018 arising out of Athmalgola P.S. Case No. 152/2018 registered for the offences punishable under Section 366A, 328, 376/34 of the Indian Penal Code and Section 6/8/10 of POCSO Act.

Learned counsel for the petitioner submits that as per the prosecution story, the informant has alleged that while she had gone to fill up the online form in the Athmalgola market but there was a big crowd at the centre, she could not fill up the



form and was waiting for tempo to return home. It is further alleged that one Ranjan Kumar who was her class mate came there and asked her to sit on his motorcycle and will drop her at her house, but he took her to his own house and served tea, thereafter, she got unconscious and when she regained, she found herself in a room. It is further alleged that Ranjan Kumar came there with one more person and both made physical relationship with her and on next day she was taken to Howrah by train where she started weeping thereafter some people assembled there and accused persons fled away.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. Learned counsel submits that the co-accused Raju Kumar @ Raju and Ranjan Kumar have been enlarged on bail by learned coordinate Bench of this Court in Cr. Misc. No. 7189/2019 and Cr. Misc. No. 26556/2020 after noticing the fact that in course of trial the victim as well as her mother have gone hostile.

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

Having regard to the facts and circumstances of the case wherein it is shown from the materials on the record particularly the orders passed by the learned coordinate Bench



of this Court in Cr. Misc. No. 7189/2019 and Cr. Misc. No. 26556/2020 that the co-accused Raju Kumar @ Raju and Ranjan Kumar have been enlarged on bail after noticing the fact that in course of trial the victim as well as her mother have gone hostile, so far as the present petitioner is concerned, he is in custody since 19.06.2020, let the petitioner above named be released 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 A.D.J. - I, Patna, in connection with Special (POCSO) Case No. 130A/2018 arising out of Athmalgola P.S. Case No. 152/2018, 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.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

