

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3380 of 2022

Arising Out of PS. Case No.-743 Year-2021 Thana- FATUA District- Patna

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Aarti Devi Wife of Anuj Kumar Resident of Village- Pasgi, PS. - Ekangarsarai, District - Nalanda. At present resident - In front of Canera Banak, C/o- Neeraj Kumar, P.S. - Fatuha, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhim Sen Prasad

For the Opposite Party/s : Mr. Binay Krishna, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-05-2022 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State in virtual court proceeding.

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 a case registered for the offences punishable under Section 420 of the Indian Penal Code and Section 12/17 of POCSO Act and Section 3(i)(w)(II) of SC/ST Act.

According to prosecution case, on the basis of fardbeyan of the informant-cum-victim stating therein that the petitioner called the informant at her house through her two



daughters and told to her that if she would go with her to do work. She got given her Rs.1000/- per day. She also promised that she also got given locket of gold to her, thereafter, victim asked what work shall have done then petitioner replied to victim some boys would touch her private part and breast and they would also establish sexual relation with her. It has been further alleged that petitioner further told to the victim that if she will feel pain she would make available medicine. Thereafter, victim-cum-informant came at her house and narrated about the aforesaid contents to her mother therefore, her mother went to police station with victim and got lodged the instant case.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case only on the basis of suspicion. He further submits that it appears from the F.I.R. itself that the F.I.R. is concocted and baseless. He further submits that there is no case is made under Section 420 of the Indian Penal Code and Section 12/17 of POCSO Act and Section 3(i)(w)(II) of SC/ST Act against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 29.09.2021.



The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, 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 Court below where the case is pending in connection with Fatuha P.S. Case No. 743 of 2021 arising out of Special Case No. 138 of 2021, 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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