

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3112 of 2022

Arising Out of PS. Case No.-167 Year-2021 Thana- TARIYANI CHOWK District- Sheohar

Ashok Kumar @ Ashok Kumar Rai Son of Vinay Rai @ Ram Vinay Rai
Resident of Village - Sumhuti, Police station - Triyani, District - Sheohar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhubala Verma

For the Opposite Party/s : Mr. Yogendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

5 20-12-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with

Tariyani P.S. Case No. 167 of 2021, registered for the

offences punishable under Sections 376 and 506 of the

Indian Penal Code and 6 POCSO Act.

The prosecution story as emerges from the FIR is

that the sole accused-petitioner/Ashok Kumar, who was

neighbor of the informant committed rape on 12.04.2021 in

her house and threatened her not to disclose this incident to

anybody else and even thereafter he raped upon her on 3-4

occasions.



The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that even the averment as made in the FIR show that she was consenting party and there was no force applied upon her. He points out that as per the statement given in the FIR, she had got mobile from the accused-petitioner for talking with him and as per the allegation he had ravished her on 3 or 4 occasions and FIR has been lodged after 3 months. He further submits that investigation in this case is complete and charge-sheet has already been submitted. He also submits that trial is going on even charge has been framed.

The petitioner has been languishing in jail since 25.10.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has no criminal antecedent.

However, the learned APP for the State opposes



the prayer for bail.

Considering the aforesaid facts and circumstance, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Addl. Sessions Judge-1-cum-Special Judge, Sheohar in connection with Tariyani P.S. Case No. 167 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner 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.

(iv) In case, it is brought to the notice of the court



below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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