

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12334 of 2022

Arising Out of PS. Case No.-318 Year-2021 Thana- KARAHGAR District- Rohtas

=====

AMIT KUMAR Son of Ramesh Chaudhary @ Rameshwar Chaudhary @
Rameshwar Singh @ Gariba Resident of Village- Bhokhari, P.S.- Kargahar,
District- Rohtas at Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Babu Nandan Prasad
For the Opposite Party/s	:	Mr. Ashok Kumar Singh
For the State	:	Mr. Upendra Kumar (APP)

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 20-12-2022 A supplementary affidavit has been filed on behalf

of the petitioner across the Board.

Let it be taken on record.

Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with POCSO

Case No. 07 of 2022 arising out of Kargahar P.S. Case No.

318 of 2021, registered for the offences punishable under

Section 376 of the Indian Penal Code and Section 6 of

POCSO Act, 2012.

The prosecution case as emerging from the FIR is

that on 12.11.2021 at about 08:00 P.M., the petitioner had



taken away the victim girl and committed rape.

The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case, as he filed the deposition made by the alleged victim in the Trial Court, as per which she has clearly stated in the course of examination that no physical relationship was established or nothing has occurred to her on the alleged date of occurrence.

The petitioner has been languishing in jail since 15.11.2021.

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. Additional District and Sessions Judge-6, Sasaram, Rohtas in connection with POCSO Case No. 07 of 2022 arising out of Kargahar P.S. Case No. 318 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)

ashishkr/-

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

