

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14747 of 2022

Arising Out of PS. Case No.-131 Year-2017 Thana- LAKHISARAI District- Lakhisarai

Sikandar Tanti Son of Ashok Tanti Resident of Village/Moh- Panjabi Mohalla,
, Ward no.17, Map Taul Gali, P.S.- Kabaiya, Distt.- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Malendu, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 23-08-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 376 of the Indian Penal Code and Section 4 of the POCSO Act.

As per prosecution story, in brief, is that on 21.03.2017 at 6:30 P.M. the daughter of the informant namely Rachna Kumari aged about 4 years was playing outer side of his house. The informant and his wife had gone for marketing. When then returned back they they saw that Sikandar Tanti was present in their house with his daughter. The pantee of his daughter was



wet. When the informant shouted accused fled away by pushing informant and his wife. Wet pant was handed over to police.

Earlier the bail petition of the petitioner was rejected vide order dated 30.10.2017 in Cr. Misc. No. 48221 of 2017.

Learned counsel for the petitioner submits that out of six (6) prosecution witnesses only three (3) witnesses have been examined till date and their deposition have been concluded in the year 2018 itself and thereafter no any witness has been examined as yet.

Vide order dated 11.07.2022, a report was called for with regard the stage of the trial. The report reveals that till date only three witnesses have been examined and the Court is vacant since 01.07.2022. Learned counsel for the petitioner submits that in view of the report it appears that the trial may not be concluded in near future and the petitioner is in custody since 27.03.2017 about five years and six months.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case and the period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with POCSO Case No. 13 of 2017 arising out of



Lakhisarai (Kabaiya) P.S. Case No. 131 of 2017, with 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 witness, 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 antecedents, 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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