

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24654 of 2021

Arising Out of PS. Case No.-588 Year-2020 Thana- DANAPUR District- Patna

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TULSI KUMAR @ TUNTUN KUMAR S/o Ram Swarth Rai R/o village-
Ashopur, P.S.- Danapur, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar, Adv

For the Opposite Party/s : Mr.A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 02-03-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

A supplementary affidavit, carrying out necessary correction in the main petition, has been filed on behalf of the petitioner, which is kept on record.

Petitioner seeks bail in connection with Special (POCSO) Case No. 184 of 2020 arising out of Danapur P.S. Case No.588 of 2020 registered for the offences punishable under Sections 342, 366(A), 376 D(A), 120(B), 34 of the I.P.C. and Section 4 of POCSO Act.

According to prosecution case, on 10.10.2020 the



informant came out from the house of one Seema Devi in which she was working as maid for going to her village and reached at Dananpur Railway Station. Meanwhile, a person came there and sat beside the informant and asked that where she has to go. She stated that she has to go Bihian. The said person told the informant that let her go with him to his house in which his wife and children reside. In the meantime, another person came there and both the persons got sat the informant in the tempo. The informant further alleges that the accused persons were taking their name as Rajesh and Tamater. The informant further alleges that co-accused Rajesh made telephonic call with Tulsi and Kallu in the way. Co-accused Rajesh and Tamater brought her in a godown and committed rape on her.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the FIR that the allegation of rape is against co-accused, namely, Rajesh and Tamater. He further submits that the co-accused, namely, Dharmendra Kumar @ Kallu @ Kallu Kumar, has been granted bail vide order dated 29.11.2021 in Cr. Misc. No.27626 of 2021 and the petitioner is in custody since 13.10.2020.



The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner, abovenamed, 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 Additional District Judge-VII, Patna in connection with Special (POCSO) Case No. 184 of 2020 arising out of Danapur P.S. Case No. 588 of 2020, 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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