

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14226 of 2022**

Arising Out of PS. Case No.-361 Year-2021 Thana- BALIYA District- Begusarai

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Santosh Kumar Son Of Sri Ram Paswan R/O Village- Bachchwara, P.S.-
Bachchwara, District- Begusarai

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Sabal Kumar Jha, Advocate

For the Opposite Party/s : Mr.Nagendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 14-07-2022 Heard counsel for the parties.

The petitioner is in custody in connection with
Baliya P.S. Case No. 361 of 2021 under sections 346, 366,
367, 370, 370A, 371, 372, 373, 376, 120B, 34 of the Indian
Penal Code and section 3, 5, 6, 7 and 8 of Immoral Traffic
Act, section 4, 6, 12 and 17 of POCSO Act and section 75/79
of Juvenile Justice Act.

The allegation amongst other the petitioner is that
during the raid in the house of Iswar Kalifa, upon search,
when the room was opened, the petitioner along with a
minor lady was found there. Accordingly, along with other
accused persons, he was also taken into custody and he is in
jail since then.



Considering the fact that the petitioner is not having any criminal antecedent as claimed by him in the bail application in its para-3, as also the fact that charge-sheet stands submitted and he is in custody since 4.11.2021 (as stated in para-14 of the bail application), this Court is inclined to grant him the privilege of bail. However, if it is found that the petitioner do have any criminal antecedent, this bail order shall become invalid, inasmuch as, no bail shall be granted to him.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge 6th cum Special Court POCSO Act, Begusarai, in connection with Baliya P.S. Case No. 361 of 2021 subject to the following conditions:

(i) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;



(iii) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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