

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14849 of 2022

Arising Out of PS. Case No.-261 Year-2021 Thana- OBRA District- Aurangabad

LORIK BIND Son of Late Gopi Bind Resident of Village - Hanuman Gadhi,
Nutt Mohalla , P.S.- Obra, Distt.- Aurangabad.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Uday Chand Prasad

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 20-12-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with G.R.
No. (POCSO) Case No. 57 of 2021 arising out of Obra P.S.
Case No. 261 of 2021, registered for the offences
punishable under Section 376 of the Indian Penal Code and
Section 4 of the Protection of Children from Sexual Offences
Act, 2012.

The prosecution case as emerging from the FIR is
that the petitioner had committed rape with the informant's
daughter on the point of gun.

The learned counsel for the petitioner submits that



the petitioner is innocent and has falsely been implicated in this case. He further submits that not only the investigation is complete but trial is going on after framing of charge and he is required to be out of jail to properly defend himself.

The petitioner has been languishing in jail since 02.11.2021.

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 circumstances, particularly the period of custody as well as seeing the requiring of defendant during the trial 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. A.D.J. VI cum Special Exclusive Judge (POCSO),



Aurangabad in connection with G.R. No. (POCSO) Case No. 57 of 2021 arising out of Obra P.S. Case No. 261 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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