

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17445 of 2022

Arising Out of PS. Case No.-141 Year-2020 Thana- FATEHPUR District- Gaya

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SURESH RAM SON OF LATE BINDA RAM R/O VILLAGE- PAKARI,
P.S.- FATEHPUR, DISTRICT- GAYA, BIHAR

... .. Petitioner/s

Versus

1. The State of Bihar
2. KHUSHI KUMARI D/O- BRAJESH KUMAR R/O VILLAGE- PAKARI,
P.S.- FATEHPUR, DISTRICT- GAYA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Onkar Nath

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 10-08-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within one

month.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the

offences punishable under Sections 376, 511, 354B of the Indian

Penal Code and sections 8/12 of the POCSO Act.

As per allegation on the alleged date and time of

occurrence, victim went to attend call of nature and during that

course, petitioner allured her on the pretext of giving guava and

thereafter took her to an isolated place and then attempted to rape her.

The main submissions advanced by Sri Onkar Nath, the

learned counsel appearing for the petitioner are that this petitioner



earlier preferred Cr. Misc. no. 38607 of 2020 for the relief of regular bail which was rejected with a direction to the trial court to expedite the trial of the petitioner but till now three prosecution witnesses have been examined who have not supported the main allegation made in the FIR and even victim's mother examined as PW 2 has not supported the allegation of attempt of rape and simply stated that an incident of assault took place. Further submission is that petitioner has been languishing in jail since 02.07.2020 having clean antecedent and the petitioner and the informant are next door neighbour and the victim has solemnized her marriage and is living in her *sasural*.

Learned APP Sri Anil Kumar Singh no.1 has opposed the prayer for bail.

Heard both sides and perused the FIR. The petitioner has been languishing in jail since 02.07.2020 and while rejecting his previous prayer for bail, this Court directed the trial court to expedite the trial of the petitioner and thereafter only three witnesses of prosecution have been examined and victim's mother examined as PW 2 has not supported the allegation of attempt of rape.

Considering these facts as well as above submissions, mainly petitioner's custody period and his clean antecedent, petitioner deserves a lenient approach of this court. Let the petitioner 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 Addl. Sessions Judge VI-cum- POCSO court, Gaya



in Fatehpur P.S Case No. 141 of 2020, POCSO Case no. 75/2020 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial court and shall remain physically present as directed by the court concerned and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial court.

(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) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

The trial court will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioner is found then the trial court shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

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