

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19144 of 2022

Arising Out of PS. Case No.-73 Year-2021 Thana- BANMANKHI District- Purnia

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Anuj Ram S/o Narayan Ram Resident of Village-Dokar Dhara, Ward No.8,
Police Station- Banmankhi, District- Purnea.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jai Vardhan Narayan, Advocate.

For the Opposite Party/s : Mrs.Rina Sinha, APP.

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 06-09-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Mr. Jai Vardhan Narayan, learned counsel for the
petitioner and Mrs. Rina Sinha, learned APP for the State are
present and they are heard.

Petitioner seeks regular bail in connection with
Banmankhi P.S. case no. 73 of 2021 registered for the offences
punishable under Sections 341, 323, 354A, 354B, 504, 506 and
34 of the Indian Penal Code and Section 8 and 12 of the POCSO
Act.

As per the allegation the petitioner caught hold the
informant's daughter when she went out to attend the call of
nature and thereafter the petitioner started teasing the victim and



closed her mouth and starting dragging her and tried to tear her clothes but in the meantime the informant rushed to the spot on hearing the cry of the victim.

The main submissions advanced by Mr. Jai Vardhan Narayan, learned counsel for the petitioner are that the petitioner has been languishing in jail since 19.07.2021, during the course of investigation the material witnesses have not supported the allegation made in the FIR and petitioner has clean antecedent.

Learned APP has opposed the prayer for bail.

Having considered the facts and circumstances of this case and considering the statements of independent witnesses mentioned at paragraph no. 7 and 24 of the case diary which are not fully corroborative to the allegation made in the FIR and also taking into account the petitioner's clean antecedent and his custody period, in the opinion of this Court a lenient approach can be taken in respect of petitioner's prayer 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 concerned Court in connection with Banmankhi P.S. case No. 73 of 2021 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 Court



below and shall remain physically present as directed by the Court below 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) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(4) The Court below 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 Court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

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