

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29897 of 2021

Arising Out of PS. Case No.-164 Year-2019 Thana- NAWADA MUFFASIL District- Nawada

Raja Kumar Son of Navin Singh Resident of Village - Dhumra, P.S.- Muffasil,
District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-06-2022 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 a period of four weeks from today.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 341, 323,
308, 457, 380, 354(B), 504, 506/34 of the Indian Penal Code
and Section 12 of POCSO Act.

According to prosecution case, the informant and her
younger sister Alisha Kumari aged about 10 years were sleeping
in the house as all the male and female members had gone at her
Mamighar, her co-villager Raja Kumar entered into her house
with the help of window and some ornaments kept in box and
Rs.10,000/- in cash total value of Rupees two lacs and due to



touching of other articles she and her sister awoke and they made attempt to catch but with bad intention he caught her hand and made attempt to do bad with her but due to cry of both sisters he fled away giving push to 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 the present case is counter blast of Muffasil P.S. Case No. 165 of 2019 filed by the mother of the petitioner against the informant and his family members. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against the petitioner and the allegation of assault is against the co-accused Dharmendra Singh and petitioner Raja Kumar. He further submits that similarly situated, co-accused, namely, Dharmendra Singh, Chunnu Singh @ Ruplal Singh and Munna Kumar @ Munnu Kumar have been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 17.02.2021 passed in Cr. Misc. No. 81216 of 2019.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of his arrest or



surrender within a period of four weeks, be released on anticipatory 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 Court below where the case is pending in connection with Muffasil P.S. Case No. 164 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also 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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