

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30023 of 2021**

Arising Out of PS. Case No.-305 Year-2020 Thana- DHURAIYA District- Banka

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AMIT SHARMA S/o Raghunandan Sharma R/o village- Ahiro, P.S.-
Dhoraiya, District- Banka

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda, Adv.

For the Opposite Party/s : Mr. Anil Kumar, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 25-01-2022 Heard learned counsel for the petitioner and the

learned A.P.P. for the State through video conferencing.

The petitioner seeks bail in connection with
Dhoraiya P.S. Case No. 305 of 2020 (G.R. No. 139 of 2020)
registered for the offence under Sections 456 and 376 of the
Indian Penal Code.

The informant is subjected to rape on the point of
pistol by the petitioner.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case. In fact,
both the parties are next door neighbourer and there is land
dispute between the parties and on account of same, the



petitioner has falsely been implicated in this case. The victim girl in her statement recorded under Section 164 Cr.P.C. has only stated that the petitioner has tried to commit rape upon her. Moreover, the doctor has also not found any external or internal injury on the person of the victim. Therefore, no case under Section 376 of the Indian Penal Code is made out against the petitioner. The petitioner, who is of no fault, is rotting in judicial custody since 08.11.2020.

Learned A.P.P. for the State on the basis of material available on record as well as the case diary has, vehemently, opposed the prayer for bail of the petitioner and submits that there is sufficient material against the petitioner. He further submits that the victim in her statement has also stated that the petitioner has tried to commit raper upon her.

Considering the facts and circumstances of the case, let the, above named, 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 learned Additional Sessions Judge -VI- cum- Special Judge, (POCSO), Banka in connection with Dhoraiya P.S. Case No. 305 of 2020/ G.R. No. 139 of 2020 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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