

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32552 of 2021

Arising Out of PS. Case No.-222 Year-2019 Thana- BIHTA District- Patna

=====

Dharmbir Kumar @ Dharmveer Kumar, S/o Shri Rabindra Ram, R/o Village-
Sri Rampur Tola, P.S.- Bihta, District- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Md. Helal Ahmad, Advocate

For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 07-01-2022 The matter has been listed today for consideration
through video conferencing.

Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Special
Case No.35(A) of 2019 arising out of Bihta P.S. Case No.222 of
2019 registered for the offence punishable under Sections 341,
323, 307, 354(D)/34 of the Indian Penal Code and Section 12 of
the POCSO Act.

Having no criminal case, it is submitted by the
petitioner's counsel that the petitioner has remained in custody
since 19.02.2021. There is allegation that the petitioner along
with other co-accused has forcibly taken the daughter of the
informant in an auto and on her resistance, they have brutally



assaulted her.

The submission is that the charge-sheet has already been submitted and the allegations are general and omnibus. No specific injury is attributed to the petitioner and even the informant in her statement under Section 164 Cr.P.C. has cast general and omnibus allegation against all the accused persons, as would be apparent from the order of the Special Court (POCSO Act) dated 18.03.2021, rejecting the petitioner's prayer for bail. Other similarly situated co-accused, namely, Manish Kumar and Nilesh Kumar @ Nilesh Gupta, have been allowed bail in Cr.Misc. No.48509 of 2019 and Cr.Misc. No.9708 of 2020 respectively.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Accordingly, let the petitioner, above named, 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 learned Additional Sessions Judge-VII-Cum-Exclusive Special Court (POCSO Act), Patna, in connection with Special Case No.35(A) of 2019, arising out of Bihta P.S. Case No.222 of 2019, subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

PNM

U		T	
---	--	---	--

