

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24701 of 2022

Arising Out of PS. Case No.-2 Year-2021 Thana- MAHILA P.S. District- Kaimur (Bhabua)

JHINGA KHARAWAR Son of Late Lallu Kharawar Resident of Village -
Chilbili, P.S. Kudra, District - Kaimur (Bhabhua).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh

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

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 21-07-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the state.

The petitioner has renewed his prayer for bail in a
case registered under sections 376 and 457 of the Indian Penal
Code and section 4 of the POCSO Act.

As per the prosecution case, the petitioner is said to
have committed rape on the minor informant.

It is submitted by learned counsel for the petitioner
that the earlier prayer for bail of the petitioner was rejected vide
order dated 22.10.2021 passed in Cr. Misc. no. 20508 of 2021
(Annexure-1). It is further submitted that the alleged victim who
happens to be the cousin sister of the petitioner was examined as
prosecution witness and from her deposition which is Annexure-
3 to the petition it would transpire that she has not supported the



prosecution case. The petitioner is in custody since 8.1.2021 and undertakes to cooperate in the trial.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the allegation against the petitioner, the petitioner having retained in custody for 1 year 6 months and specially the contents of the deposition of the victim in the trial in the learned trial Court, the Court directs the petitioner to be enlarged on bail in connection with POCSO Case no. 1 of 2021 (arising out of Bhabhua Mahila P.S. Case no. 2 of 2021) on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge VI-cum-Special Judge, POCSO Act, Kaimur at Bhabhua subject to the following conditions :

ii) One of the bailors of the petitioner shall be a close relative of the petitioner.

(ii) The petitioner shall remain physically present in Court on each date of the trial.

In case of the petitioner's absence on two consecutive dates for reasons not to the satisfaction of the learned Trial Court or in case the learned Trial Court is of the opinion that the



trial is being delayed due to non-cooperation on part of the petitioner, the learned Trial Court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

Prakash/-

U			
---	--	--	--

