

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34100 of 2021

Arising Out of PS. Case No.-479 Year-2018 Thana- RAMPUR District- Gaya

PAWAN KUMAR S/O MAHENDRA RAM @ MAHENDRA DAS R/o
village- Tilauthu, P.S.- Tilauthu, District- Rohtas Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh, Adv

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-01-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State in virtual Court proceeding.

The petitioner seeks bail in connection with POCSO
Case No.23 of 2019 arising out of Rampur P.S.Case No. 479 of
2018 registered for the offence under Sections 376A of the
Indian Penal Code.

The prosecution case, in short, is that in the written
report, it is alleged that daughter of informant, namely Illu
Kumari, aged about 12 years, has been abducted by this
petitioner. It is further alleged that prior to this occurrence
petitioner had given threat to the informant that he will kidnap
his daughter for which the informant had made complaint to the
family members of the petitioner but, they did not take any
action.

Petitioner is in custody since 29.12.2018.

Previously the bail petition of the petitioner has been



twice rejected (i) vide order dated 05.08.2019 passed in Cr.Misc. No.31478 of 2019 and (ii) vide order dated 05.02.2021 passed in Cr.Misc. No.34438 of 2020, prayer for bail of the petitioner was again refused with the observation that *“if the trial is not concluded within three months, the petitioner, if so advised, may renew his prayer for bail”*.

Vide order dated 02.12.2021, a report was called for with regard to the stage of the trial.

A report dated 09.12.2021 i.e. from the learned Special Judge, POCSO Court-cum-A.D.J.-VI, Gaya in which it reveals that the summons, bailable warrants, non-bailable warrants have been issued against the witnesses with reminder letters to S.S.P., Gaya, S.P., Sasaram and I.G., Gaya but no one appears. The report further reveals that the record is presently pending for prosecution evidence.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

In the aforesaid background, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge 1st -cum-Special Judge (POCSO



Act), Gaya in connection with POCSO Case No.23 of 2019 arising out of Rampur P.S.Case No. 479 of 2018 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 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.

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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