

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27778 of 2022

Arising Out of PS. Case No.-66 Year-2021 Thana- MAHILA P.S. District- Muzaffarpur

JYOTI KUMAR @ RAJA Son of Mahesh Sharma Resident of Village - Bela
Dhiranpatti, P.S.- Bela, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rudal Singh, Advocate

For the Opposite Party/s : Mr.Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-08-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

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

Petitioner seeks bail in a case registered for the offence punishable under Sections 448, 341, 342, 504, 354, 354(A), 376, 511, 506/34 of IPC and Section 4/12 of POCSO Act.

Allegation against the petitioner is that he tried to commit rape upon the victim.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. Further submits that as per



allegation in the FIR the petitioner has tried to commit rape upon the victim. Further submits that the statement of the victim was recorded under Section 164 Cr.P.C. in which she has categorically stated that the petitioner has not committed anything wrong against the victim and in fact the victim has solemnized marriage with another person namely Ajay Sharma on 11.02.2022 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 14.01.2022.

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

Considering the facts and circumstances of the case, 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 learned Court below where the case is pending in connection with Mahila P.S. Case No.66 of 2021, 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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