

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34101 of 2021

Arising Out of PS. Case No.-144 Year-2020 Thana- MEHANDIGANJ District- Patna

Rajkumar @ Burhwa S/O Naresh Ray R/O Mohalla-Ranipur Morcha, P.S-
Menhdiganj, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Shahid Akhtar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 22-02-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Special Case No. 15 of 2020 arising out of Mehndiganj P.S. Case No.144 of 2020 registered for the offences punishable under Sections 341, 323 and 509 of the Indian Penal Code and Section 7 and 8 of the POCSO Act.

According to prosecution case, as per the statement of the informant is that his daughter aged about 12.5 years old had gone to Ranipur Ganjpar for purchasing sugar and tea, in the meantime when she reached at Bajrang Road the accused



petitioner Raj Kumar intercepted her and told her that she is quite beautiful and it is the time to kidnap her and started dragging her catching her hand, but on raising alarm the local people assembled there, then the accused petitioner fled away.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the petitioner is the neighbor of the informant and his relation is not good with the family members of the informant. He further submits that as per F.I.R. allegation against the petitioner is that he caught hand of the victim girl. He further submits that the police after investigation submitted the charge sheet against the petitioner.

Vide order dated 01.12.2021, a report was called for with regard to the present stage of trial and a report dated 09.02.2022 reveals that out of five charge sheeted witnesses, only one witness has been examined and the case is running for prosecution evidence. The petitioner is in custody since 28.08.2020.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail on the ground that there is direct allegation against the petitioner and petitioner carries one criminal antecedent other than the present one.



Considering the aforesaid facts and circumstances, 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-Special Judge, POCSO Act, Patna in connection with Special Case No. 151 of 2020 arising out of Menhdiganj P.S. Case No. 144 of 2020, subject to 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 absence on two consecutive dates without sufficient reason, his 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.

3. 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)

mdrashid/-

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

