

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28571 of 2022

Arising Out of PS. Case No.-281 Year-2021 Thana- FORBESGANJ District- Araria

RAHMAN Son of Alam @ Md. Alam Resident of Village - Rampur
Mohanpur, Madhopara, Ward No.- 09, P.S.- Baigachhi, District - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh, Advocate

For the Opposite Party/s : Dr. Mrityunjaya Kr. Gautam, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-09-2022 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 offences punishable under Sections 366(A), 376 of the Indian Penal Code read with Section 4 of the POCSO Act.

Allegation against the petitioner is that he kidnapped to the victim and on assurance of marriage he made sexual relation with the victim.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the



victim girl was recovered and her statement was recorded under Section 164 of the Cr. P.C. in which she has categorically stated that there is an admitted dispute between the father of the petitioner and the uncle of the informant. He further submits that in fact the victim was not medically examined and she denied for medical examination and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 17.04.2021.

Learned APP 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/- (Rupees 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 Special (POCSO) Case No. 26 of 2021 arising out of Forbesganj P.S. Case No. 281 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 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 witness, 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 antecedents, 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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