

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30601 of 2022**

Arising Out of PS. Case No.-219 Year-2020 Thana- KATIHAR MUFFASIL District- Katihar

Sonu Kumar @ Sonu Ramani Son Of Kishan Ramani @ Krishna Ramani
R/O- Chauhan Tola, Dighikatihar, P.O.- Dighi Katihar, P.S.- Mufassil,
District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dwij Raj, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 20-09-2022 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 the learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the offence under Sections 341,323,307,354(D),504,506/34 of the Indian Penal Code and Section 8 of POCSO Act.

The prosecution case, in brief, is that on the order of the co-accused Durga Chouhan, co-accused Bhola Paswan dashed the informant from his motorcycle.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been



implicated in the present case. He further submits that it appears from the FIR that the date of occurrence as alleged in the FIR is 05.09.2020 but the present FIR has been instituted on 04.10.2020. Further submits that there is no explanation in the FIR with regard to the delay in lodging the present FIR. Further submits that as per FIR allegation against the petitioner is that he helped to escape the co-accused after the alleged occurrence. Further submits that the statement of the victim was recorded under Section 164 Cr.P.C. in which she has stated that the petitioner has earlier teased her. Further submits that the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 23.01.2022.

Learned APP for the State, on the other hand, has opposed the prayer for bail of the petitioner and submits that the victim has stated in her statement under Section 164 Cr.P.C. that the petitioner was involved in the present incident.

Considering the aforesaid facts, 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 Katihar Muffasil P.S.Case No.219 of 2020 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.

(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)

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