

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.31403 of 2022**

Arising Out of PS. Case No.-346 Year-2021 Thana- BAGHA District- West Champaran

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1. Kishore Ram @ Kishori Ram son of late Shankar Ram  
2. Rajesh Ram son of Gauri Ram  
Both residents of Village- Bargaon, Ward No. 8, Police Station- Bagaha,  
District- West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Perna Anand, Advocate

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

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

3      22-09-2022                      Heard learned counsel for the petitioners 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.

Petitioners seek bail in connection with Bagha P.S. Case  
No. 346 of 2021 registered for the offences punishable under  
Sections 341, 323, 354(B), 504, 506/34 of the I.P.C. and Section 8  
of POCSO Act.

According to prosecution case, when the informant was  
returning, one Dipak Ram came and caught the hand with wrong  
intention and came at my house and disclosed the same with her  
parent. Then her parents went at the house of Dipak Ram for



asking the same then five persons including both the petitioners and started abusing and assaulting them and took away Rs. 10,000/- and one mobile phone.

Learned counsel for the petitioners submits that petitioners have clean antecedent and committed no offence and they have falsely been implicated in the present case. He further submits that during the investigation not a single witness has come in support of the F.I.R. He further submits that the statement of the victim girl recorded under Section 164 of Cr.P.C. (Annexure-3) in which she has categorically stated that the present case is false one. Pursuant to that, police has filed Final Form against the petitioners, but the Special Court differ with the final form court below has taken cognizance against the petitioners. Petitioners are in custody since 03.03.2022.

The learned Additional Public Prosecutor opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 7th-cum-Special Judge (POCSO), West Champaran, Bettiah in connection with Bagaha P.S. Case No. 346 of 2021, subject to the following conditions:-



1. Petitioners 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 petitioners tamper 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 petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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)**

Ravi/vanisha/-

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