

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31353 of 2022

Arising Out of PS. Case No.-207 Year-2021 Thana- KHAJEKALA District- Patna

=====

RAHUL MISTRI @ RAHUL SHARMA S/o Radhe Mistri R/o Gurhatta, P.S.-
Khajekalan, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Nityanand Kumar, Advocate

For the Opposite Party/s : Mr.A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 31-08-2022 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 363,366(A),504,506,34 of the IPC but the police after investigation submitted chargesheet under Sections 363,366(A),504,506 of IPC and Section 8 of POCSO Act.

As per written report of the informant on 24.07.2021 at about 11 AM his nine years old daughter was playing out of his house in the meantime, accused petitioner took her away inducing her.



Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. In fact the petitioner has no concern at all with the alleged occurrence and till date the victim was not medically examined, so the age of the victim was not proved and the victim girl was recovered and her statement under Section 164 Cr.P.C. was recorded in which she has not stated anything about the sexual assault and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 27.07.2021.

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 Khajekalan P.S. Case No.207 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)

Nitesh/-

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

