

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32674 of 2022

Arising Out of PS. Case No.-60 Year-2022 Thana- CHAND District- Kaimur (Bhabua)

Santosh Kumar Singh @ Santosh Singh Son Of Late Keshav Singh,
Residence Of Village- Morwan (kutbanpur), P.S.- Chand, District- Kaimur At
Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Mukul Kumari, Advcoate Mr. Tribhuwan Narayan, Advocate
For the Opposite Party/s	:	Mr. Sadanand Paswan, APP
For the Informant	:	Mr. Randhir Kumar No.1, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 16-11-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
POCSO Case No. 13 of 2022 (I.A. No. 01 of 2022) arising out
of Chand P.S. Case No. 60 of 2022 lodged under Sections 302
and 377 of the I.P.C. and Sections 3(2)(v) of the SC/ST (POA)
Act but later on Section 4 of the POCSO Act has been added.

As per prosecution case, the informant's father has
alleged that the petitioner has killed his son and taken name of
another person which is wrong, with this allegation the case has
been filed.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He further
submits that at the conclusion of the investigation, police has

found this case to be false against the present petitioner and submitted charge sheet but subsequently the court has taken cognizance against 2 persons, the petitioner whose name was final form submitted and another person against whom the petitioner has raised hulla that he has committed the crime seeing him near the place of occurrence. Counsel further submits that petitioner is in custody since 13.03.2022, charge sheet has already been filed in this case and antecedent of the petitioner is clean.

Learned counsel for the State opposes the prayer for bail.

Learned counsel for the informant vehemently opposes the prayer for bail and submits that charge has already been framed, case has advanced and some of the prosecution witnesses have already been examined.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Addl. District & Sessions Judge-VI-cum Special Judge (POCSO), Kaimur at Bhabhua in connection with POCSO Case No. 13 of 2022 (I.A. No.01/2022) arising out

of Chand P.S. Case No. 60 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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