

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42279 of 2021

Arising Out of PS. Case No.-162 Year-2021 Thana- BIHTA District- Patna

GYANI KUMAR @ GYAN PRAKASH PANDEY Son of Devendra Pandey
Resident of Village - Mahuar, P.S. - Bihta, District - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Mishra, Adv.

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 02-03-2022 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 connection with Special Case No. 1393 of 2021 arising out of Bihta P.S. Case No. 162 of 2021 registered for the offence under Sections 376, 511 and 307 of the Indian Penal Code and Section 8 and 12 of the POCSO Act and Section 37(c) of the Bihar Prohibition and Excise Act.

The petitioner is said to have tried to commit rape upon the informant and also tried to kill her by pressing her



neck with Gamchha.

Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. He further submits that although according to the F.I.R., the petitioner is alleged to have tried to commit rape upon the victim, but the victim during course of investigation has refused for her medical examination. He further submits that the police after investigation has not found the case true under Section 307 of the I.P.C. and submitted charge-sheet in this case against the petitioner under Sections, 376/511 of the I.P.C., Section 08/12 of POCSO Act and Section 37(c) of Bihar Prohibition and Excise Act. The petitioner is rotting in judicial custody since 26.02.2021.

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, above named, petitioner 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 Special Judge, Excise, Patna in connection with Special Case No.1393 of 2021 arising out of Bihta P.S. Case



No. 162 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 canceled 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)

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