

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33215 of 2022**

Arising Out of PS. Case No.-29 Year-2022 Thana- SATHI District- West Champaran

CHANDAN KUMAR Son of Sri Ramadhar Sah Resident of village - Semari,
P.S.- Sathi, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha, APP

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

2 02-09-2022 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 learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 366A & 376 of the Indian Penal Code, Sections 04/05 of the POCSO Act.

Allegation against the petitioner is that the he ravished to the informant (minor) on false assurance of marriage.

Learned counsel for the petitioner submits that the petitioner has clean antecedents and he has been falsely implicated in the present case. He further submits that it appears from the F.I.R. as well as statement of the victim girl



recorded under Section 164 of the Cr. P.C., it would appear that the informant herself voluntarily eloped with the petitioner out of her own sweet will. He further submits that the victim girl has been recovered and her statement was recorded under Section 164 of the Cr. P.C. in which she has categorically stated that co-accused Rakesh Kumar has established physical relation with the victim and he has not said anything about the petitioner that he has sexually abused or sexually assault to the victim/informant. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 05.02.2022.

Learned APP 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/- (Rupees 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 Sathi P.S. Case No. 29 of 2022, 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, 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 antecedents, 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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