

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34689 of 2022

Arising Out of PS. Case No.-93 Year-2022 Thana- OBRA District- Aurangabad

Surajmal Kumar @ Suryamal Kumar Son of Antu Paswan R/O Village-
Chapari, P.S.- Obra, District- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Leelawati Kumari, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-10-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 341, 323, 354, 354A, 354B,
506 of the Indian Penal Code and Sections 8, 12 of The
Protection of Children from Sexual Offences Act.

According to prosecution case, on 16.02.2022,
informant-cum-victim was coming from the market where
accused Surajmal Kumar was hiding and waiting for her. Then,
the informant-cum-victim shouted loudly but the accused ran
away and threatened to kill her.



Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case only due to local village politics. He further submits that in fact, the mother of the informant sells illegal wine and several persons come to her house for which the petitioner had always objected and on that ground the petitioner has falsely been implicated in the present case. In fact, no such occurrence took place and the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 25.04.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, 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 the learned Court below where the case is pending in connection with Obra P.S. Case No. 93 of 2022, subject to 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 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 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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