

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47427 of 2021

Arising Out of PS. Case No.-15 Year-2020 Thana- SIWAIPATTI District- Muzaffarpur

UDAY RAY Son of Sri Baidhnath Ray Resident of village - Gosaipur, P.S.-
Siwaipatti, Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mithilesh Kumar, Adv

For the Opposite Party/s : Mr.Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 12-04-2022 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 Section 376 of IPC and Section 4/6 of POCSO Act but the police, after investigation, submitted chargesheet against the petitioner under Sections 376(AB) IPC and Section 6 of POCSO Act.

Allegation against the petitioner is that he committed heinous offence like rape with the minor victim girl.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been



implicated in the present case. He further submits that the allegation against the petitioner does not corroborate the medical report.

Vide order dated 22.03.2022, a report was called for with regard to the stage of trial. Report reveals that till date prosecution has not been able to examine any witness.

Learned counsel for the petitioner submits that it appears from the report that there is no chance of early conclusion of the trial in near future and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 23.06.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstance 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 Siwaipatti Police Station Case No.15 of 2020, 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)

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