

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46658 of 2021**

Arising Out of PS. Case No.-83 Year-2021 Thana- AAJAM NAGAR District- Katihar

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KISHUN RAI @ KISHUN KUMAR S/o LATE MUKESH KUMAR @
MUKESH RAI R/o-LARKANIA, TOLA-KULIPARA, P.S- KATIHAR,
DISTRICT-KATIHAR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gyanand Roy, Adv.

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

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

4 06-04-2022 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in a case registered for
the offence under Sections 363, 366A, 376 and 34 of the
Indian Penal Code and Section 4 of the POCSO Act, 2012.

The minor daughter of the informant is said to
have been enticed away by the petitioner and others she has
been subjected to physical assault.

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 according to the F.I.R., the allegation of
establishing physical relation with victim is attributed to the



co-accused, Fantus and the petitioner is alleged to have been in association with the petitioner. He further submits that the victim in her statement recorded under Section 164 Cr.P.C. has not disclosed anything about the petitioner nor any allegation of establishing physical relation has been made by her against the petitioner. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 19.04.2021.

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 Court below where the case is pending in connection with G.R. No. 1482 of 2021 arising out of Azamnagar P.S. Case No. 83 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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