

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57506 of 2021

Arising Out of PS. Case No.-3 Year-2021 Thana- TARARI District- Bhojpur

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MUNNA KUMAR Son of Late Angrez Bahadur @ Angrej Ram Resident of
Village - Karath, P.S.- Tarari, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Singh, Adv.

For the Opposite Party/s : Ms. Usha Kumari 1, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 07-04-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under section 376 of the Indian Penal Code, sections 8 and 12 of the POCSO Act and sections 3(1)(r)(s) and 3(2)(va) of the SC and ST (Prevention of Atrocities) Act.

As per the prosecution case, the petitioner is said to have attempted to commit rape on the 12 year old daughter of the informant. However, on the daughter of the informant raising *hulla* and the witnesses running to her rescue the petitioner escaped.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. The material that has transpired in course of investigation do not



support the prosecution case. The cause of false implication of the petitioner is enmity. The investigation in the case has concluded and even charges have been framed in the learned Court below. The petitioner is in custody since 19.1.2021 and has no criminal antecedent. The petitioner undertakes to cooperate in the trial. It is lastly submitted that the petitioner had approached this Court for bail vide Cr. Appeal (SJ) no. 3530 of 2021 which on the ground of maintainability, was withdrawn vide order dated 13.9.2021.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case together with the petitioner having remained in custody for over 1 year 2 months and charges having been framed in the learned Court below, the Court directs the petitioner to be enlarged on bail in connection with Tarari P.S. Case no. 03 of 2021 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge VI (POCSO), Bhojpur at Ara with the following conditions.

1. The petitioner shall cooperate in the trial.
2. In case the petitioner does not cooperate or in case the learned trial Court is of the opinion the trial is being delayed due



to noncooperation on part of the petitioner, the learned trial Court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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