

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48383 of 2022

Arising Out of PS. Case No.-257 Year-2022 Thana- CHANPATIA District- West Champaran

AJAY GUPTA @ AJAY KUMAR Son of Late Rajendra Gupta @ Rajindra
Gupta Resident of Village - Chanpatiya, Ward No.4, P.S.- Chanpatiya, Distt.-
West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Bimlesh Kumar Pandey, Advocate
For the Informant	:	Kumar Sameer, Advocate
	:	Mr. Rishabh Mishra, Advocate
	:	Mr. Gaurav Kumar, Advocate
For the Opposite Party/s	:	Mrs.Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 30-11-2022 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.

Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

The petitioner is apprehending his arrest in a case
registered for the offences punishable under Sections
341,323,354B,504 of IPC and Sections 8,12 and 18 of POCSO
Act.

Allegation against the petitioner is that he outraged
the modesty of the victim girl with wrong intention.



Learned counsel for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that it appears from the FIR that the date of occurrence as mentioned in the FIR is 10.05.2022 but the present FIR has been instituted on 08.06.2022 without giving any explanation of delay of 28 days. Further submits that it appears from the FIR that there is specific allegation of teasing against the petitioner but the present FIR has been instituted after 28 days which creates serious doubt against the prosecution case.

Learned counsel for the informant has vehemently opposed the prayer for anticipatory bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Chanpatiya P.S. Case No. 257 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 their absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the Court below.

(2) If the petitioner tamper 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 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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