

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60506 of 2021

Arising Out of PS. Case No.-332 Year-2021 Thana- DIGHA District- Patna

NITISH KUMAR S/o- Bijendra Rai @ Vijendra Rai Resident of Village-
Raidih, P.S.- Bihta, Dist- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Dular Sah, Adv

For the Opposite Party/s : Mr.Ajay Kumar Jha,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-04-2022 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 354-B/354-D of the Indian Penal Code and Sections 4,6 of POCSO Act.

Allegation against the petitioner is that he committed offence with the victim repeated time. Petitioner also entered into the house of victim and want to disrobe her with bad intention.

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 is false and fabricated. He further submits that in fact the petitioner was love affair with the victim girl which was protected by the parents of the victim so they have falsely implicated the petitioner in the present case. He further submits that it appears from the FIR that there is no allegation of sexual assault and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 22.06.2021.

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 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 Special Case (POCSO) No.87 of 2021 arising out of Digha Police Station Case No.332 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 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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