

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.54332 of 2022**

Arising Out of PS. Case No.-240 Year-2022 Thana- TAJPUR District- Samastipur

Ajit Kumar Son of Sri Anil Sharma R/V- Laruaa O.P Halai, P.S- Tajpur, Dist-
Samastipur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Hemant Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 16-12-2022 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by the Stamp Reporter
within two weeks.

Heard learned counsel for the petitioner and Mr.
Sanjay Kumar Tiwary, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Tajpur P.S. Case No. 240/2022 registered for
the offences under Section 366(A), 34 of the Indian Penal Code
and 8 and 10 of the POCSO Act, 2012. He is in custody since
26.05.2022 having no criminal antecedent as stated in paragraph
'3' of the application.

Learned counsel for the petitioner submits that it is a
case of love affair between the victim and the petitioner.
According to him, the victim has appeared in the court and gave



her statement under Section 164 Cr.P.C. and she has not made any allegation against the petitioner. She was not taken for medical examination. The petitioner is in custody and investigation against him is complete, hence he deserves privilege of bail.

Learned counsel for the informant has opposed this application saying that the victim was minor at the relevant time, therefore this petitioner does not deserve privilege of bail.

Learned A.P.P. for the State has endorsed the submission of learned counsel for the informant.

Having regard to the facts and circumstances of the case wherein the submission of the petitioner is that the victim girl has not implicated him and she has come back, the petitioner has remained in custody for over six months and investigation against him is complete, there being no submission that his release is likely to result in tampering with the evidence or interfering with the course of trial or that there is any other threat to the informant in any form, this Court directs release of the petitioner above-named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.D.J.-VI-cum- Special Court, POCSO, Samastipur in



connection with Tajpur P.S. Case No. 240 of 2022, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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.

Certified copy of this order shall be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

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