

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56253 of 2022

Arising Out of PS. Case No.-125 Year-2022 Thana- PATORI District- Samastipur

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Madhav Prasad Singh Kunwar @ Madhabh Prasad Singh @ Madhav Prasad
Kunwar, Son of Suresh Kunwar Resident of Village- Uttri Dumari, P.S.-
Patori (Mohanpur O.P.), Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy

For the Opposite Party/s : Mr. Suresh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

4 06-12-2022 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with Patori
(Mohanpur O.P.) P. S. Case No. 125 of 2022, registered for
the offences punishable under Sections 341, 323, 354(B),
448, 504, 506 and 34 of the Indian Penal Code; Section 8
of POCSO Act, 2012; and Section 37(C) of Bihar Prohibition
and Excise (Amendment) Act, 2018.



The prosecution story as emerging from the FIR is that on 05.04.2022 at about 9 o'clock in the night, the daughter of the informant, aged about 14 years, was sleeping in her room and suddenly raised an alarm, whereupon the informant rushed there and saw that the petitioner and his associate were trying to outrage the modesty of her daughter. When the informant objected to it, they tore her clothes as well as that of her daughter. It is also alleged that they were in drunken condition. When the husband of the informant tried to rescue them, the petitioner assaulted him with a bamboo, due to which his hand got fractured.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case on account of demand for repayment of the loan, he had given to the informant. He also submits that the allegation levelled against the petitioner are general and omnibus in nature. He further submits that investigation in this case is complete and charge-sheet has already been submitted.



The petitioner has been languishing in jail since 26.05.2022.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has no criminal antecedents.

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Additional Sessions Judge VI-cum-Special Court (POCSO), Samastipur, in connection with Patori (Mohanpur O.P.) P. S. Case No. 125 of 2022, **after framing of charge, if no already framed**, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.



(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.



The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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