

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70203 of 2021

Arising Out of PS. Case No.-528 Year-2021 Thana- AHIYAPUR District- Muzaffarpur

Deepak Kumar Son of Shyam Prasad Resident of Village- Jamalabad, P.S.-
Ahiyapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gaurav Kumar

For the Opposite Party/s : Mr. Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-04-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in a case registered for the offences punishable under Sections 354, 354(B), 504, 506/34 of the Indian Penal Code and Section 12 of POCSO Act.

The present case has been instituted on the basis of written report of the informant namely, Ashok Sahani against 12 accused persons including this petitioner under aforesaid Sections. The informant has alleged in his written report that his minor daughter (victim girl) aged about 16 years is the student of Inter (10+2) and she used to go to the coaching at the distance of 1 km from the home. In the way of coaching, Bittu



Kumar, Rohit Kumar, Navin Kumar and Deepak Kumar (petitioner) used to commit indecent act with her and threatened her if your father lodges any case, he would be killed. They used to commit such act under the protection of other co-accused named in F.I.R. and they snatched her Dopatta.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that the date of occurrence took place on 26.06.2021 but the present F.I.R. has been instituted on 08.08.2021 after delay of about 40 days without any explanation of delay. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 23.09.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, 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 the learned Court



below where the case is pending in connection with Ahiyapur
P.S. Case No. 528 of 2021, subject to 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 absence on two consecutive dates without sufficient reason, his 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.

3. 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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