

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70425 of 2021

Arising Out of PS. Case No.-548 Year-2021 Thana- SITAMARHI District- Sitamarhi

SHATRUGHAN KUMAR Son of Dinesh Mandal Resident of Village -
Ranauli, P.S.- Bathnaha, Distt.- Sitamarhi Petitioner/s
Versus
The State of Bihar ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha,Adv
For the Opposite Party/s : Mr.Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 16-05-2022 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 offence punishable under Sections 344, 347, 376, 323, 406, 34 of the Indian Penal Code and Section 4/6 of POCSO Act.

According to prosecution case, one victim has given her fardbeyan on 12.07.2021 before the police alleging therein that she is resident of Bangal and her father is ill since long period as such she is facing problem to maintain her family due to that she is in need of job. It is stated that Sitaram Ram brought all of them in Bihar and kept them some times at different place and thereafter kept the victim and others in the rented room situated in mohalla Mohanpur Sitamarhi. It is



further stated that Sitaram Ram and his friends Satrugan Kumar, Sudhir Kumar began to visit at her room regularly and one day they advised the victim and others to work in Arkeshttra but all of them refused to do so as such they closed all of them in a room and threatened them.

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 there is direct allegation of assault against co-accused namely Sitaram Ram. Co-accused, namely, Sudhir Kumar has been granted bail by this Court vide order dated 12.04.2022 in Cr. Misc. No.58394 of 2021. He further submits that the police after investigation submitted the chargesheet against the petitioner. Pitioner is in custody since 12.07.2021.

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 Sitamarhi P.S. Case No.548 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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