

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3525 of 2023

Arising Out of PS. Case No.-395 Year-2022 Thana- SHAHKUND District- Bhagalpur

Dhiraj Kumar S/O Narsingh Prasad Singh Resident of village- Manjhla Chak,
P.S.- Sajaur, District- Bhagalpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Advocate
For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 04-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
14.11.2022 in connection with POCSO Case No. 225 of 2022
arising out of Sahkund P.S. Case No. 395 of 2022, F.I.R. dated
13.11.2022 for the offences punishable under Sections 376, 504
and 506 of the Indian Penal Code and Section 4 of POCSO Act
and Sections 66 and 67A of the I.T. Act.

According to prosecution case, this petitioner had
established physical relation with the victim in the pretext of
marriage and also made her photo in objectionable condition



and when she pressurized him to marry her, then the petitioner has made her objectionable photo viral on social media and also abused and threatened to kill her.

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 the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. He further submits that the statement of the victim was recorded under Section 164 of the Cr.P.C. in which she has categorically stated that the victim wants to marry the petitioner and the petitioner has posted some photographs of the victim on social media, so the victim has filed the present case against the petitioner and she has also stated that there is no allegation of sexual assault against the petitioner and the medical report of the victim also does not supports the allegation as alleged in the F.I.R. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 14.11.2022.

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 Exclusive Special Judge (POCSO) cum VIIth Additional District & Sessions Judge, Bhagalpur in connection with POCSO Case No. 225 of 2022 arising out of Sahkund P.S. Case No. 395 of 2022, 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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