

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5047 of 2023

Arising Out of PS. Case No.-291 Year-2022 Thana- DEO District- Aurangabad

Sushil Kumar Singh Son of Laldeo Singh Resident of Village - Dadhpa, P.S.-
Deo, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Krishna Prasad Singh, Sr. Advocate
For the Opposite Party/s :	Mr. Nitya Nand Tiwary, APP
For the Informant :	Mr. Amit Anand, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-06-2023 Heard Mr. Krishna Prasad Singh, learned senior
counsel for the petitioner, learned counsel appearing on behalf
of the informant as well as 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
10.11.2022 in connection with Deo P.S. Case No. 291 of 2022,
F.I.R. dated 08.11.2022 for the offences punishable under
Sections 341, 323, 354, 504, 506/34 of the Indian Penal Code
and Section 8/12 of POCSO Act.

According to prosecution case, the informant (victim)



was returning from the shop then the petitioner who was in an intoxicated condition caught both of her hand and also caught her cheek and when she started crying then he threatened her not to tell anyone about this incident and ran away.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case due to admitted land dispute between the parties. He further submits that the petitioner has not committed any offence as alleged in the F.I.R. He further submits that it appears from the F.I.R. that the date of occurrence is 05.11.2022 but the F.I.R. was instituted on 08.11.2022 i.e. after delay of 3 days without giving any explanation of the said delay. He further submits that the statement of the victim was recorded under Section 164 of the Cr.P.C. in which she has not stated about any sexual abuse against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 10.11.2022.

The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries three criminal antecedents other than the present one.



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 Additional District & Sessions Judge cum Spl. Exclusive Judge (POCSO), Aurangabad in connection with Deo P.S. Case No. 291 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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