

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.6111 of 2023**

Arising Out of PS. Case No.-762 Year-2022 Thana- ALAMGANJ District- Patna

SANTOSH KUMAR Son of Late Rameshwar Prasad R/o Mohalla- Kajibagh,  
Santoshi Mata Lane, P.S.- Alamganj, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. ROSHNI DEVI Wife of Santosh Singh R/v- Biharibigha P.S.- Pandarak,  
District- Patna at presently tenant in house of Phagu Jee P.S.- Gopalpur,  
District- Patna

... .. Opposite Party/s

**Appearance :**

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|--------------------------|---|------------------------------------------------------------------|
| For the Petitioner/s     | : | Mr. Devendra Prasad Sinha, Sr. Adv.<br>Mr. Alexander Ashok, Adv. |
| For the Opposite Party/s | : | Mr. Shailendra Kumar, APP                                        |

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      11-07-2023                      Heard learned counsel for the petitioner, learned  
counsel for the informant and learned Additional Public  
Prosecutor for the State.

Petitioner seeks bail, who is in custody since  
30.09.2022 in connection with Alamganj P.S. Case  
No.762/2022, dated 29.09.2022, for the offences punishable  
under Sections 4 & 6 of POCSO Act but later on Section 376 of  
the IPC was also added.

According to prosecution case, the petitioner being the  
land lord is alleged to have sexually assaulted the minor  
daughter of informant, namely, Komal Kumari for the last three  
years. The informant is residing in the house of petitioner as a



tenant since 8 years.

Learned counsel for the petitioner submits that the 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 offence as alleged in the F.I.R. He further submits that in fact the victim was in love with one Sagar Kumar and after filing of the present F.I.R. the victim has fled away with said Sagar Kumar and for that Gopalpur P.S. Case No. 595/2022 was instituted against said Sagar Kumar and the statement of victim was recorded under Section 164 Cr.P.C. in which she has categorically stated that she wa in love with with Sagar Kumar and she has performed here marriage with Sagar Kumar in Shitla Mata Mandir, Patna and she had relationship with Sagar Kumar since 11.10.2022 to 03.01.2023. He further submits that in view of the aforesaid development, it appears that the present case is false and fabricated and the same has been filed only to harass the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 30.09.2022.

Learned counsel for the informant and learned



Additional Public Prosecutor for the State on the other hand vehemently opposed the prayer for bail of the petitioner and submits that the independent witnesses have supported the case of prosecution.

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 Court (POCSO), Patna in connection with Alamganj P.S. Case No. 762/2022, 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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