

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5475 of 2023

Arising Out of PS. Case No.-136 Year-2022 Thana- NARDIGANJ District- Nawada

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Ajay Kumar Das @ Ajay Kumar @ Ajay Das Son of Ramdas Das R/V-
Mubarakpur P.s- Kurtha, Dist- Arwal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Parmanand Pd. Nr. Sahi, Advocate

For the Opposite Party/s : Mr. Nand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 13-07-2023 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
04.06.2022 in connection with Nardiganj P.S. Case No. 136 of
2022, F.I.R. dated 22.05.2022 for the offences punishable under
Section 363 of the Indian Penal Code and later on Section
366(A) of the Indian Penal Code was added but the police has
submitted charge sheet under Section 363 and 366(A) of the
Indian Penal Code and Section 8/12 of the POCSO Act.

According to prosecution case, the daughter of the
informant was missing from the house and after many search,



she was still traceless and she left her mobile phone in the house only.

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 petitioner is not named in the F.I.R and the name of the petitioner has been transpired on the basis of the statement of the victim recorded under Section 164 of the Cr.P.C. He further submits that from perusal of the 164 statemetn of the victim, it appears that the petitioner has not committed any wrong with the victim. He further submits that the victim has refused for her medical examination. The petitioner is in custody since 04.06.2022.

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 Additional Sessions Judge VI-cum-Special Judge, POCSO, Nawada in connection with Nardiganj P.S. Case No. 136 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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