

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10491 of 2023

Arising Out of PS. Case No.-364 Year-2021 Thana- MOKAMAH District- Patna

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Suman Saurav Kumar @ Sonu Pahelwan S/O Sri Surendra Ray R/v- Mekra,
Ward no. 6, P.S.- Mokama, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Choudhary
		Mr. Akshansh Ankit, Advocates
For the Opposite Party/s :		Mr.Rajiv Nayan

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-07-2023 Heard Mr. Ashok Kumar Choudhary, learned counsel

for the petitioner assisted by Mr. Akshansh Ankit, and learned

APP for the State.

Petitioner seeks bail, who is in custody since
16.11.2021, in connection with Mokama P.S. Case No. 364 of
2021 giving rise to Special Case No. 21 of 2022, F.I.R. dated
16.11.2021 registered for the offences punishable under
Sections 366A/34 of the Indian Penal Code but the police
submitted chargesheet against the petitioner under Sections
366A, 376(3)/34 of the Indian Penal Code and Section 6 of the
Protection of Children from Sexual Offences (POCSO) Act,
2012.

Allegation against the accused petitioner is of taking



the minor daughter of the informant with him to Mokama on his white coloured Bolero car. It is further alleged that the accused had harassed her daughter on earlier occasions too and when the informant complained regarding this to the father of the accused, he threatened her.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely 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 the date of occurrence as alleged in the F.I.R. is 11.11.2021 but the present F.I.R. was instituted on 16.11.2021 after delay of five days without giving explanation of delay and the petitioner is in custody since 18.12.2021.

The learned Additional Public Prosecutor for the State, on the other hand, on the basis of material available on record and the case diary, has vehemently opposed the prayer for bail of the petitioner and submits that the statement of the victim was recorded under Section 164 of the Cr. P.C. in which she has supported the case of the prosecution.

Vide order dated 08.05.2023, a report was called for with regard to the stage of the trial. The report of the learned



Trial court dated 27.06.2023 reveals that altogether there are nine (09) chargesheeted witnesses but the prosecution has not examined any witness as yet.

Learned counsel for the petitioner submits that in view of the report of the learned Trial court, the trial is not concluded in near future and the petitioner is in custody since 18.12.2021.

Considering the report of the learned Trial Court that the trial is not concluded in near future and the petitioner is in custody since 18.12.2021, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge Vith-cum-Special Judge POCSO, Patna in connection with Mokama P.S. Case No. 364 of 2021 giving rise to Special Case No. 21 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



witness, 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 antecedents, 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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