

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17597 of 2023

Arising Out of PS. Case No.-701 Year-2022 Thana- NAUTAN District- West Champaran

PRADEEP KUMAR Son of Guli Mahto R/V- Pakadiya Ward no. 12, PS-
Jagdishpur Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Sadanand Paswan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since 29.12.2022 in connection with Nautan P.S. Case No. 701 of 2022, F.I.R. dated 28.12.2022 for the offences punishable under Sections 341, 323, 354, 354(A), 354(B), 509 of the Indian Penal Code and Section 3(i)(r)(s), 3(2)(va) of SC/ST (POA), Act and Section 8 of the POCSO Act.

According to prosecution case, in brief, is that on 28.12.2022 at about 1:00 P.M. in the day when the informant (hereinafter called as 'victim') aged about 14 years was plucking Saag from the Saresh towards the West direction of her house in the meantime the accused-petitioner came there and started using obscene and filthy languages and on protest he



forcibly caught hold her arms and when she started screaming then he fled away. It has been further alleged that earlier also he used to tease her when she was in her way of her School while doing the same act.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits 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. and the petitioner has falsely been implicated in the present case 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 judicial custody since 29.12.2022.

The learned Additional Public Prosecutor for the State 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 Special Judge, POCSO-cum-Additional District Judge-Vith, Bettiah, West Champaran in connection with Nautan P.S. Case No. 701 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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