

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16361 of 2022

Arising Out of PS. Case No.-17 Year-2021 Thana- RAUTARA District- Katihar

KISHAN KUMAR SAHANI Son of Suresh Sahni Resident of Chapi, P.S.-
Rautara, District - Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 23-02-2023 Learned counsel for the petitioner is permitted to remove the defects, as pointed out by the officer, if any, within a period of four weeks from today.

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the offence under Sections 354(A), 354(B), 341, 323 of IPC and Section 8 of POCSO Act.

The prosecution case, in short, is that on 06.02.2021 at about 7.00 P.M. the daughter of the informant aged about 15 years had gone for easement then petitioner forcibly tried to take the daughter of the informant in an unconstructed house for committing rape. In the meantime, on the cry of the child, co-villagers Ekramul Haque reached there and save the child.



Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that the allegation as alleged in the FIR is false and fabricated. In fact no such occurrence took place and the date of occurrence as alleged in the FIR is 06.02.2021 but the present FIR has been instituted on 08.02.2021. Learned counsel for the petitioner submits that the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 28.12.2021.

Learned A.P.P. for the State, on the basis of the material available on the record and the case diary, has vehemently opposed the prayer for bail of the petitioner and submits that the statement of the victim under Section 164 Cr.P.C. was recorded in which she has supported the allegation as alleged in the FIR.

Considering the facts and circumstances of the case, 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 learned court below where the case is pending in connection with Rautara P.S. Case No.17 of 2021 with 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/her absence on two consecutive dates without sufficient reason, his/her 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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