

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20276 of 2023

Arising Out of PS. Case No.-725 Year-2022 Thana- BARH District- Patna

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Amarjeet Kumar Son Of Sita Ram Mahato R/O Village- Prahlaadpur, P.S.-
Ghosbari, District- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tej Narayan Singh, Advocate
For the Opposite Party/s : Mr. Rina Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 23-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. 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.

3. Petitioner seeks bail who is in custody since
07.11.2022 in connection with Special Case No. 164 of 2022
arising out of Barh P.S. Case No. 725 of 2022, F.I.R. dated
05.11.2022 for the offences punishable under Sections 376/34 of
the Indian Penal Code and Section 4/6 of the POCSO Act.

4. According to prosecution case, the allegation
against the petitioner and his two unknown accomplices is of
luring the minor victim girl to a field and committing rape upon
her.



5. 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 allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. The petitioner is in custody since 07.11.2022.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the statement of the victim was recorded under Section 164 as well as 161 of the Cr.P.C. in which she has categorically stated that the petitioner has committed rape upon her but learned APP has fairly submitted that the medical report does not support the statement of the victim.

7. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail **after framing of charge, if not framed as yet**, and 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, Patna in connection with Special Case No. 164 of 2022 arising out of Barh P.S. Case No. 725 of 2022, subject to the following conditions:-



i. 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.

ii. 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.

iii. 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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