

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20742 of 2023

Arising Out of PS. Case No.-550 Year-2022 Thana- SASARAM MUFFSIL District- Rohtas

Rocky Kumar Son Jasmi Nut @ Master Nut Mother Mamta Devi Resident of
Village-Bishrampur Tola, P.S.-Sasaram (Muffasil), District-Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 06-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since 29.01.2023, in connection with Sasaram (Muffasil) P.S. Case No. 550 of 2022, F.I.R. dated 09.11.2022 registered for the offences punishable under Sections 342, 376 and 120(B) of the Indian Penal Code and Sections 4/6 of the POCSO Act.

Allegation against the petitioner is that he committed rape upon the minor victim girl.

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 that trial has begun and the informant and victim have deposed before the learned Trial court as P.W. 1 and P.W. 2 respectively in which they have not supported the case of the prosecution and even the informant (P.W.1)(victim) has not supported the case of the prosecution as alleged in the F.I.R. and even the father of the informant (P.W.2) has also not supported the case of the prosecution. He further submits that the petitioner is in custody since 29.01.2023.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI, Exclusive Special Court, POCSO, Rohtas at Sasaram in connection with Sasaram (Muffasil) P.S. Case No. 550 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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