

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19306 of 2023

Arising Out of PS. Case No.-633 Year-2022 Thana- BHABHUA District- Kaimur (Bhabua)

Bali Gond S/O Nandu Gond R/O Village Baruna, P.S- Bhabua, Distt.-
Kaimur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravishankar Sahay, Mr. Rakesh Kumar Mishra, Advocate Mr. Chandra Mohan Jha, Advocate
For the Opposite Party/s	:	Mr. Shailendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 04-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
08.10.2022 in connection with Bhabua P.S. Case No. 633 of
2022, F.I.R. dated 27.09.2022 for the offences punishable under
Sections 366-A, 376 of the Indian Penal Code and Section 4 of
POCSO Act.

According to prosecution case, as per written report of
the informant stating therein that her 15 years old daughter has
been kidnapped by the petitioner Bali Gond and others on
26.09.2022.

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 offence as alleged in the F.I.R.. He further submits that in fact the petitioner was in love with the victim and the statement of the victim was recorded under Section 164 of Cr.P.C. in which she has categorically stated that the petitioner was in love with the victim and she had gone to the different places along with the petitioner and she has not stated anything about the sexual assault in her statement. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 08.10.2022.

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, **after framing of charge**, 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-A.D.J.-VI, Bhabua, Kaimur in connection with POCSO Case No. 34 of 2022 Bhabua P.S. Case No. 633 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)

mdrashid/-

U		T	
---	--	---	--

