

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22086 of 2023

Arising Out of PS. Case No.-724 Year-2022 Thana- KADAMKUAN District- Patna

Ratan Kumar S/O- Sunil Kumar Sinha @ Pappu Mohalla- Old Arbind Mahila
College Ps- Kadamkuan Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Siya Ram Shahi, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 14-07-2023 Heard Mr. Siya Ram Shahi, learned counsel for the

petitioner and learned Additional Public Prosecutor for the

State.

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.

Petitioner seeks bail who is in custody since
14.12.2022 in connection with Kadamkuan P.S. Case No. 724 of
2022, F.I.R. dated 13.12.2022 for the offences punishable under
Section 376 of the Indian Penal Code and Section 4 of the
POCSO Act and Section 3(1)(w) of SC/ST Act.

According to prosecution case, this petitioner dragged
the minor daughter of the informant, aged about 16 years, down
on the stairs of the informant's house and committed rape upon



her after making her unconscious.

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. Mr. Shahi draws attention to the F.I.R. which shows that the date of occurrence is not mentioned. He further submits that the statement of victim was recorded under Section 164 of the Cr.P.C. in which she states that after 4 months she had informed her parents and it has come during investigation that she has refused for her medical examination. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 14.12.2022.

The learned Additional Public Prosecutor 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 Additional Sessions Judge VI cum Special Judge POCSO, Patna in connection with Kadamkuan P.S. Case No. 724 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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