

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21973 of 2023

Arising Out of PS. Case No.-4 Year-2023 Thana- MAHILA P.S. District- Bhojpur

Pinkari Alam S/O Late Israil Miya Resident of Village- Kayamnagar, P.S.-
Koilarwar, District- Bhojpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-05-2023 Heard 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
07.02.2023 in connection with Mahila P.S. Case No. 04 of 2023,
F.I.R. dated 27.01.2023 for the offences punishable under
Sections 341, 323, 506, 504 and 376 of the Indian Penal Code
and Section 4/6 of the POCSO Act.

According to prosecution case, the co-accused,
namely, Golden Alam has committed sexual assault with the
minor daughter of the informant. It is further alleged that the
petitioner along with other accused persons have assaulted and



abused the family members of the informant.

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 from perusal of the F.I.R. it transpire that there is specific allegation of sexual assault attributed against the co-accused, namely, Golden Alam and the petitioner happens to be the family member of the co-accused, Golden Alam and there is no specific allegation of sexual assault against the petitioner rather there is general and omnibus allegation that the petitioner and the co-accused persons have assaulted the family member of the victim. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 07.02.2023.

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 6th Additional Sessions Judge-cum-Special Judge, POCSO Act, Bhojpur, Ara in connection with Mahila P.S. Case No. 04 of



2023, 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)

Vanisha/-

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

