

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25346 of 2023

Arising Out of PS. Case No.-89 Year-2022 Thana- UPHARA District- Aurangabad

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Dhaniram Sao @ Dhaniram Saw Son of Birendra Sao Resident of Village,
P.O. and P.S.- Uphara, District - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Sharma, Advocate

For the Opposite Party/s : Mrs. Renu Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 01-08-2023 Heard Mr. Rakesh Kumar Sharma, learned counsel for
the petitioner and learned APP for the State.

2. Petitioner seeks bail, who is in custody since
20.01.2023, in connection with Uphara P.S. Case No. 89 of 2022,
F.I.R. dated 16.11.2022 registered for the offences punishable
under Sections 366(A) of the Indian Penal Code.

3. Allegation against the petitioner is of kidnapping
and sexual assault with a minor girl.

4. 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 the alleged date of occurrence is



06.11.2022 but the present F.I.R. was instituted on 16.11.2022 after delay of 10 days afterthought only to falsely implicate the petitioner in the present case. He further submits that the statement of the victim under Section 164 of the Cr. P.C. was recorded in which she has categorically stated that she had gone to Delhi with the petitioner with her own sweet will and the petitioner has not committed any wrong with her. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 20.01.2023.

5. The learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. 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 District & Sessions Judge-cum-Special Exclusive Judge (POCSO), Aurangabad in connection with Uphara P.S. Case No. 89 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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