

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28753 of 2023**

Arising Out of PS. Case No.-17 Year-2022 Thana- MAHILA PS District- Aurangabad

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DHANANJAY KUMAR @ MUKESH KUMAR SINGH @ MUKESH
KUMAR @ DHARMENDRA SINGH

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Meena Devi W/o Ajay Ram R/o vill-Tadawa, P.S. Tadawa, Dist.-
Aurangabad

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Radha Krishna, Adv.
For the Opposite Party/s : Mr. Binay Krishna, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 5 21-09-2023 1. In view of the supplementary affidavit filed on
behalf of the petitioner, the notice upon the respondent no.2 is
deemed to be a valid service of notice.
2. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.
3. Petitioner, who is in custody since 08.02.2023 seeks
bail, in connection with Mahila P.S. Case No. 17/2022, dated
04.06.2022, for the offences punishable under Sections 376, 506
of the IPC & Sections 3(1)(r)(s) (w) (1) (II)/3(2)(va) of SC/ST
Act and under Section 4 of POCSO Act.
4. According to prosecution case, the petitioner is
alleged to have misbehaved with the informant forcibly and she



objected, the petitioner raped her and threatened her that he would kill her and her husband and would get them involved in false case.

5. Learned counsel for the petitioner submits that the 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 the trial has begun and the victim/informant has been examined and she became hostile and she has not supported the prosecution case. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 08.02.2023.

6. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

7. 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 Special Judge (POCSO), Aurangabad in connection with Mahila P.S.



Case No.17/2022, 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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