

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30974 of 2023

Arising Out of PS. Case No.-22 Year-2023 Thana- DANAPUR District- Patna

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Rahul Kumar @ Sanoj Kumar Son of Shambhu Rai @ Shambhu Prasad
Singh @ Shambhu Prasad R/O-Imli Tal, P.S.-DANAPUR, Distt.-PATNA.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Akhauri Kamal Kishore Sahay, Advocate
For the Opposite Party/s : Ms.Suman Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 05-07-2023 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Special
Case No. 35/2023 arising out of (Danapur P.S. Case No. 22 of
2023) registered for the offence under Sections 452, 354, 354A,
354D, 504, 506 of the Indian Penal Code and Section 8 of
POCSO Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 05.02.2023.

The allegation against the petitioner is to outrage the



modesty of informant aged about 15 years after criminal trespass to the house of informant.

Learned counsel appearing on behalf of the petitioner submitted that petitioner falsely implicated with present case out of neighbourhood disputes and differences as informant and her family was aggrieved out of construction of the house of petitioner, which is apparent from the narration of FIR itself. It is submitted that present occurrence took place on 27.12.2022 but FIR was lodged on 06.01.2023 i.e. after 10 days, despite of the fact that elder brother of informant aged about 20 years was available in the house at the time of occurrence and explanation of delay due to non-availability of parents is only an afterthought, just to explain the gap. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above and by taking note of the fact as present FIR lodged with a delay of 10 days, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since



05.02.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Special Case No. 35/2023 arising out of (Danapur P.S. Case No. 22 of 2023) 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 and Session Judge-VII-Cum-Exclusive Special Court (POCSO Act), Patna/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C., with a further condition:-

(I) That petitioner shall not interact with informant and her family members during the trial in any manner or to influence any witness, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical



ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.

(Chandra Shekhar Jha, J)

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