

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33183 of 2022

Arising Out of PS. Case No.-867 Year-2021 Thana- MANER District- Patna

Sudama Bhagat Son Of Late Yogendra Bhagat Resident Of Village- Sherpur,
P.S.- Maner, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravish Mishra, Advocate
For the Opposite Party/s	:	Mr. Mithlesh Kumar Khare, APP
For the Informant	:	Mr. Ram Niwas Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 14-02-2023 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the informant as well as 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 in a case registered for the
offences punishable under Sections 366(A), 341, 504, 506 and
34 of the Indian Penal Code and later on Sections 376 and 379
of the Indian Penal Code and Sections 4/6 of the POCSO Act
were also added.

According to prosecution case, the minor daughter of
the informant went with the petitioner and when the informant



went to the house of the petitioner to inquire about her daughter, she was abused and threatened by the family members of the petitioner.

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 it appears from the F.I.R. that the alleged occurrence took place on 21.10.2021 but the F.I.R. has been instituted on 27.10.2021 i.e. after delay of 6 days without giving any explanation of the said delay. He further submits that the victim girl was recovered and her statement is recorded under Sections 161 and 164 of the Cr.P.C. and there is contradictions in the statement of the victim girl recorded under Sections 161 and 164 of the Cr.P.C. He further submits that the statement of the victim girl recorded under Section 164 of the Cr.P.C. in which she has categorically not levelled any allegations of rape of sexual assault against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 02.11.2021.

The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have 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 Court below where the case is pending in connection with Special Case No. 04 of 2022, arising out of Maner P.S. Case No. 867 of 2021, 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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