

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42025 of 2023

Arising Out of PS. Case No.-212 Year-2022 Thana- UDAKISHUNGANJ District-
Madhepura

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Brajesh Kumar Ram S/O Kumod Ram R/O Village- Khara, P.S-
Udakishunganj, Distt.- Madhepura.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 27-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
23.03.2023 in connection with Udakishunganj P.S. Case No.
212 of 2022, F.I.R. dated 07.07.2022 for the offences punishable
under Sections 366A/34 of the Indian Penal Code and Section 8
of the POCSO Act.

3. According to prosecution case, this petitioner along
with other accused persons have kidnapped the minor daughter
of the informant for the purpose of Marriage and after getting
information, the informant went to the house of the petitioner,
then all the F.I.R named accused persons abused, assaulted and
threatened him.

4. 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 the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. He further submits that the statement of the victim was recorded under Section 164 of the Cr.P.C. in which she has not stated anything about the sexual assault against the petitioner and she has stated that the petitioner has tried to commit rape upon her. He further submits that the victim refused for her medical examination. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Chhotu Kumar Chaudhary who was accompanied with the petitioner has been granted bail by a co-ordinate Bench of this Court vide order dated 04.07.2023 passed in Cr. Misc. No. 37919 of 2023. The petitioner is in custody since 23.03.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. 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 Additional Sessions Judge 6th cum Special Judge POCSO, Madhepura in



connection with Udakishunganj P.S. Case No. 212 of 2022,
subject to the following conditions:-

i. 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.

ii. 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.

iii. 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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