

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37575 of 2023

Arising Out of PS. Case No.-229 Year-2018 Thana- SASARAM NAGAR District- Rohtas

Sadam Hussain @ Ankit Kumar Son Of Md. Naim Miya Village And Ps
Sanjhauli, District- Rohtas Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nagendra Upadhyay, Advocate

For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
17.04.2023 in connection with Sasaram (Town) P.S. Case No.
229 of 2018 (POCSO Case No. 33 of 2019), F.I.R. dated
04.02.2018 for the offences punishable under Sections 376D,
120B of the Indian Penal Code and Section 4/6 of the POCSO
Act.

3. According to prosecution case, this petitioner along
with other accused persons have committed rape upon the
victim.

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
petitioner is not Ankit Kumar and the mobile number which was
mentioned in the F.I.R does not belong to the petitioner. He



further submits that from perusal of the statement of the victim recorded under Section 164 of the Cr.P.C. it appears that the victim has not stated anything about the petitioner and that no cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Md. Tabrej Alam has been granted bail by a co-ordinate Bench of this Court vide order dated 28.06.2018 passed in Cr. Misc. No. 21920 of 2018 and another co-accused, namely, Sonu Alam has been granted bail by a co-ordinate Bench of this Court vide order dated 25.10.2018 passed in Cr. Misc. No. 63603 of 2018. The petitioner is in custody since 17.04.2023.

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 VI, Exclusive Special Court POCSO, Rohtas at Sasaram in connection with Sasaram (Town) P.S. Case No. 229



of 2018 (POCSO Case No. 33 of 2019), 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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