

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37376 of 2023

Arising Out of PS. Case No.-174 Year-2023 Thana- RAJIVNAGAR District- Patna

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Kunal Kumar @ Ravi Kumar S/O Mahesh Ram R/O Road No. 21, Rajeev Nagar, Ps. Rajeev Nagar , Dist. Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ghanshyam Tiwary, Advocate

For the Opposite Party/s : Mr. Zainul Abedin, APP

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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 22.03.2023 in connection with Rajeev Nagar P.S. Case No. 174 of 2023, F.I.R. dated 21.03.2023 for the offences punishable under Sections 342, 354, 506 and 34 of the Indian Penal Code along with Sections 7 and 12 of the POCSO Act.

3. According to prosecution case, the petitioner is alleged to have threatened and locked the daughter of the informant in a shop with wrong intentions.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that from the bare perusal of the F.I.R., it appears that the allegations as levelled against the



petitioner, are false and fabricated and he has not committed any offence. Further more, no case is made out against him. 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 committed upon her by the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 22.03.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner and co-accused persons. Apart from the aforesaid, the petition carries one case other than the present one but fairly submits that on the basis of Paragraph No. 3 of the bail petition, petitioner is on bail in this pending case.

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 A.D.J. - VIth, - cum – Special Judge, POCSO, Patna, in connection with Special Case No. - 87 of 2023 arising out of Rajeev Nagar P.S. Case No. 174 of 2023, 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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