

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45274 of 2023

Arising Out of PS. Case No.-70 Year-2023 Thana- BUDDHACOLONY District- Patna

Kunal Kumar Son Of Sri Lakshman Prasad Resident Of Village- Manikpur
Chauk, Ps Runi Saidpur, Dist Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 19-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 20.03.2023 in connection with Budha Colony P.S. Case No. 70 of 2023, F.I.R. dated 27.01.2023 for the offences punishable under Sections 376, 511 and 323 of the Indian Penal Code and Section 8 of the POCSO Act.

3. According to prosecution case, this petitioner tried to commit rape upon the niece of the informant by taking her to the flat of one Anil Yadav and also assaulted her by kick, fist and slaps.

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 in fact, she has stated that the petitioner has tried to commit rape upon her and she has refused for her medical examination. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 20.03.2023.

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 Special Judge POCSO, Patna in connection with Budha Colony P.S. Case No. 70 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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