

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49697 of 2023

Arising Out of PS. Case No.-520 Year-2022 Thana- BAKHTIYARPUR District- Patna

Shivam Kumar Son Of Sanjay Mahto Resident Of Village- Didarganj Check
Post Near Masjid, P.S- Didarganj, Distt- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 50089 of 2023

Arising Out of PS. Case No.-520 Year-2022 Thana- BAKHTIYARPUR District- Patna

Bhola Kumar Son Of Vijay Saw R/O-Didarganj Check Post Near, P.S.-
Didarganj, Distt.-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 50252 of 2023

Arising Out of PS. Case No.-520 Year-2022 Thana- BAKHTIYARPUR District- Patna

Krishna Kumar Son Of Kiran Sao Resident Of Village - Didarganj Check Post
Near, P.S. - Didarganj, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 49697 of 2023)
For the Petitioner/s : Mr. Ram Jiban Pd. Singh, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, APP
(In CRIMINAL MISCELLANEOUS No. 50089 of 2023)



For the Petitioner/s : Mr. Satish Chandra, Advocate
For the Opposite Party/s : Mr. Ram Naresh Ray, APP
(In CRIMINAL MISCELLANEOUS No. 50252 of 2023)
For the Petitioner/s : Mr. Satish Chandra, Advocate
For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 05-09-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. Petitioners seek bail, who are in custody since 18.10.2022, in connection with Special Case No. 151 of 2022, arising out of Bakhtiyarpur P.S. Case No. 520 of 2022, F.I.R. dated 17.10.2022 registered for the offences punishable under Sections 323, 341, 342, 354A, 506/34 of the Indian Penal Code and Section 8 of the POCSO Act.

3. The allegation against the accused persons namely Shivam Kumar, Krishna Kumar, Bhola Kumar and Vikash Kumar is of harassing and touching the daughter of the informant and the daughter's friend inappropriately and threatening to murder them.

4. Learned counsel for the petitioners submits that the petitioner namely Shivam Kumar has one criminal antecedent and petitioners namely Bhola Kumar and Krishna Kumar have clean antecedents and they have been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offence as alleged in the F.I.R. He further submits



that the trial has begun and out of eight chargesheeted witnesses, five witnesses have already been examined including the victim and the informant and the report of the trial court reveals that all the five material witnesses have turned hostile. The petitioners are in custody since 18.10.2022.

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

6. Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VIth cum Special Judge POCSO, Patna/Successor Court in connection with Special Case No. 151 of 2022 arising out of Bakhtiyarpur P.S. Case No. 520 of 2022, subject to the following conditions :-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, 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 petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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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