

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49301 of 2023

Arising Out of PS. Case No.-100 Year-2021 Thana- RUPASPUR District- Patna

Babli Kumari Daughter Of Late Munna Prasad Bari Resident Of Village-
Arya Viswshttr Dattak Garden Sansthan Abhimany Nagar, Ward No. 40,
House No. 143, Ps- Rupaspur, Distt- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Rajeev, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
27.02.2021 in connection with Rupaspur P.S. Case No. 100 of
2021, F.I.R. dated 26.02.2021 for the offences punishable under
Section 6 of POCSO Act.

3. According to prosecution case, this petitioner used
to sexually abuse the victim aged about 4 years.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and she 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 as per the allegation in the F.I.R.,



no case is made out under the POCSO Act against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 27.02.2021.

5. Vide order dated 08.08.2021 a report was called with regard to the stage of the trial. Report of the learned Trial Court dated 10.08.2023 reveals that the charge has been framed against the petitioner on 14.09.2021 itself and there are altogether 7 chargesheet witnesses but till date the prosecution has not examined any witnesses as yet.

6. Learned counsel for the petitioner submits that in view of the report of the learned Trial Court the trial is not likely to be concluded in the near future and the petitioner is in custody since 27.02.2021.

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

8. Considering the aforesaid facts and circumstances and the report of the learned Trial Court, 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 Sessions Judge VII cum Exclusive Special Judge, POCSO Act, Patna in connection with



Rupaspur P.S. Case No. 100 of 2021, 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 her 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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