

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49271 of 2022**

Arising Out of PS. Case No.-20 Year-2022 Thana- FATEHPUR District- Gaya

Arvind Kumar @ Arvind Kumar Sao Son of Rajendra Sao @ Late Rajo Sao
Resident of village - Dumripatti, P.S.- Fatehpur, District - Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar, Advocate
For the Opposite Party/s	:	Mr. Usha Kumari 1, APP
For the Informant	:	Mr. Pramod Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

6 11-04-2023 Heard learned counsel for the petitioner, learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Petitioner seeks bail who is in custody since 14.05.2022 in connection with Fatehpur P.S. Case No. 20 of 2022, F.I.R. dated 12.01.2022 for the offences punishable under Sections 341, 323, 504, 354 of the Indian Penal Code and 3(1) (r) (s) 2 (2) (Va) of SC/ST Act and Section 8/12 of POCSO Act.

According to prosecution case, the petitioner tried to took the daughter of the informant inside the bathroom with bad



intentions. It is further alleged that earlier also the petitioner talked her on mobile phone by using vulgar language.

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 no such occurrence took place. He further submits that the statement of the victim was recorded under Section 161 and Section 164 of the Cr.P.C. and both statement of the victim contradict each other. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 14.05.2022.

The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner.

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 cum Additional District Judge -VI, Gaya in connection with Fatehpur P.S. Case No. 20 of 2022, subject to the following conditions:-



1. 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.

2. 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.

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 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)

Vanisha/-

U		T	
---	--	---	--

