

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49681 of 2022

Arising Out of PS. Case No.-81 Year-2022 Thana- KORANSARAI District- Buxar

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BELAL KHAN Son of Samimuddin Khan Resident of - Mathila, P.S.-
Koransarai, District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vishwajeet Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Atul Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 13-03-2023 Learned counsel for the petitioner is permitted to

remove the defects, as pointed out by the office, if any, within a

period of four weeks from today.

Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the

offence under Section 376 of IPC read with Section 4 of

POCSO Act.

The prosecution case, in short, is that the informant

alleges that in absence of her father and mother, the petitioner

used to visit her house and on the pretext of marriage, he used to

force the informant to have physical relation with him and on

23.06.20222 at about 8.30 PM the petitioner called the

informant from mobile and after some time the petitioner went



into the house of the informant and was trying to molest her.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. Further submits that it appears from the FIR that the petitioner has committed no offence as alleged in the FIR. Further submits that the date of occurrence as alleged in the FIR is 23.06.2022, but the present FIR was registered on 26.06.2022 after delay of more than 72 hours after thought to implicate the petitioner in forged and fabricated case. The learned counsel for the petitioner further submits that the petitioner is the neighbour of the informant and both of them having affair, and when the petitioner refused to marry with the informant, the false case has been instituted against the petitioner. No such occurrence has taken place. Further submits that the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 04.07.2022.

Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts, let the petitioner, above named, be released on bail **after framing of charges** on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned



court below where the case is pending in connection with Koransarai P.S.Case No.81 of 2022 with 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/her absence on two consecutive dates without sufficient reason, his/her 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)

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