

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49975 of 2022

Arising Out of PS. Case No.-92 Year-2022 Thana- GANGABRIDGE District- Vaishali

SUNIL BHAGAT Son of Late Bharat Bhagat Resident of Village -
Chhaukiya, P.s.- Ganga Bridge, Distt.- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvan Kumar, Adv.

For the Opposite Party/s : Mr. Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 17-03-2023 Heard learned counsel for the petitioner and 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 in a case registered for the
offences punishable under Sections 376 and 511 of the Indian
Penal Code.

Prosecution case, in brief, is that on 15.04.2022 in the
morning, the informant Lalji Rai with his family members were
cutting wheat crop in his field. In the meantime at about 8:30
A.M., daughter of the informant aged about 14 years was
coming from her house to take water for him but on the way she
was caught by the accused Sunil Bhagat and started indecent



behaviour with her. When she started crying loudly, labourers and farmers working nearby as well as the informant with his family members ran there and saw Sunil Bhagat holding Anshu Kumari, daughter of the informant. On asking, Anshu Kumari stated that Sunil Bhagat was acting forcibly on her. Thereafter, people caught Sunil Bhagat and assaulted him.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submitted that there is case and counter case between the parties and the allegation against the petitioner is false and fabricated. He further submits that no such occurrence took place as alleged in the F.I.R. and during the investigation that the petitioner was not present at the time of the alleged occurrence and the name of the petitioner has falsely been implicated in the present case. He further submits that the victim has refused her Medical Examination and the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 16.04.2022.

The learned Additional Public Prosecutor for the State has 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 Court below where the case is pending in connection with Ganga Bridge P.S. Case No. 92 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)

Saurabhkrsinha/
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