

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50285 of 2022

Arising Out of PS. Case No.-130 Year-2022 Thana- SONBERSA District- Saharsa

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Ram Bharosh Sada @ Rambharos Sada S/o Late Bateshwar Sada Resident of
Village- Shahpur Ward No.09, P.S.- Sonbarsa Raj, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Amarnath Jha, Advocate
For the Opposite Party/s	:	Ms. Nirmala Kumari, APP
For the Informant	:	Mr. Ajay Kumar Singh No.1, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 21-03-2023 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 in a case registered for the
offences punishable under Sections 341, 323 and 354B of the
Indian Penal Code and Sections 8 and 12 of the POCSO Act.

According to prosecution case, the minor daughter of
the informant was alone in the house and during that time the
petitioner came and took her away in the garden area by
enticing her and attempted to molest her.



Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case due to dirty village politics. He further submits that no such occurrence took place as alleged in the F.I.R. He further submits that it appears from the F.I.R. that the petitioner was apprehended at the spot but in fact, the petitioner was not apprehended at the spot and after that the present F.I.R. is instituted against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 09.06.2022.

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 and submits that the petitioner tried to molest the daughter of the informant.

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 POCSO Case No. 49 of 2022 arising out of Sonbarsa Raj P.S. Case No.



130 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)

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