

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53805 of 2022

Arising Out of PS. Case No.-961 Year-2021 Thana- BANKA District- Banka

Pradeep Sharma Son Of Ambika Sharma R/O Village- Balarpur, P.S.- Banka,
District- Banka.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Umesh Lal Verma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 25-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail, who is in custody since
28.05.2022 in connection with Banka P.S. Case No. 961 of
2021, F.I.R. dated 04.12.2021 for the offences punishable under
Sections 366A, 354(D)(iii) and 34 of the Indian Penal Code.

According to prosecution case, allegation against the
petitioner is that the minor daughter of the informant is said to
have been kidnapped by the F.I.R. named accused persons
including the petitioner with ill motive.

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 petitioner



and informant are Gotiya and they are next door neighbor and there is admitted land dispute between them. He further submits that the petitioner is uncle of victim girl as well as co-accused Chhotu Sharma. He further submits that as per F.I.R. it appears that there is specific allegation against the co-accused Chhotu Sharma who has committed rape upon the victim and there is no specific allegation of any assault or overt-act is attributed against the petitioner. He further submits that similarly situated, co-accused, namely, Pramod Sharma and Subodh Sharma who are brothers of the petitioner have been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 24.08.2022 and 18.04.2023 passed in Cr. Misc. No. 22534 of 2022 and Cr. Misc. No. 62695 of 2022. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 28.05.2022.

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 With



Additional Sessions Judge-cum-Special Judge, POCSO, Banka
in connection with Banka P.S. Case No. 961 of 2021, 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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