

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54840 of 2023

Arising Out of PS. Case No.-591 Year-2022 Thana- PAKARIBARAW District- Nawada

SUBHASH KUMAR @ SUBHASH KUMAR CHOUHAN Son of Manoj Kumar @ Manoj Chouhan Resident of vill - Mehadipur, P.O. - Samarigarh, P.S. - Pakaribarawan, Distt. - Nawada

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Baby Kumari D/o Shivnandan Chauhan R/o vill - Mahadipur, P.O. - Samarigarh, P.S. - Pakaribarawan, Distt. - Nawada,

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhusudan Kumar, Adv.
For the Opposite Party/s : Mr.Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-09-2023 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in connection with Pakaribarawan P.S. Case No. 591 of 2022 dated 02.12.2022 registered for the offence under Sections 354, 366(A), 504/34 of the Indian Penal Code and Section 8 of the POCSO Act.

The daughter of the informant is subjected to molestation at the instance of the petitioner.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the allegation, as alleged in the F.I.R., is false and fabricated and the petitioner has not committed any offence. He further submits that there is land dispute



between the parties and on account thereof this petitioner has been implicated in this case. He further submits that the statement of the victim have been recorded under Sections 161 and 164 Cr.P.C. but both the statements are contradictory to each other. He further submits that the family members of the victim have refused for medical examination of the victim. Both the parties are of same family and the victim happens to be niece of the petitioner. Moreover, the victim has not stated anywhere that the petitioner has established physical relation with the victim. The petitioner is rotting in judicial custody since 29.05.2023.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Special Judge (POCSO) -cum- A.D.J.-VI, Nawada in connection with Pakribarawan P.S. Case No. 591 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 canceled 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.

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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