

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57561 of 2022

Arising Out of PS. Case No.-222 Year-2019 Thana- BIHTA District- Patna

Sunny Kumar Son of Dineshwar Ram R/o Village - Srirampurtola, P.O. and
P.S.- Bihta, Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saket Anand, Advocate

For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 341, 323, 307, 354(B) read
with 34 of the Indian Penal Code and Section 12 of the POCSO
Act.

As per prosecution case, in brief, is that the petitioner
along with other co-accused have forcibly taken the daughter of
the informant in an Auto and on her resistance, they have
brutally assaulted the daughter of the informant.

Learned counsel for the petitioner submits that the
petitioner has clean antecedents and he has been falsely
implicated in the present case. He further submits that it appears
from the F.I.R. that there is general and omnibus allegation



against all the accused persons including the petitioner. He further submits that the statement of the victim girl was recorded under Section 164 of the Cr. P.C. in which she has stated that the petitioner and other accused persons have tried to commit wrong with her. He further submits that co-accused namely Manish Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 06.08.2019 in Cr. Misc. No. 48509 of 2019, another co-accused namely Nilesh Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 16.03.2020 and co-accused Dharmbir Kumar @ Dharmveer Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 07.01.2022 in Cr. Misc. No. 32552 of 2021 respectively. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 22.12.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees 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 Bihta P.S. Case No. 222 of 2019, Special POCSO Case No. 35(A) of 2019, 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 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 witness, 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 antecedents, 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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