

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58194 of 2023

Arising Out of PS. Case No.-217 Year-2022 Thana- SABAUR District- Bhagalpur

Mithun Kumar Son Of Ajablal Mandal Resident Of Village- Swrupchak Ps-
Goradih, Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
10.04.2023 in connection with Sabour (Goradih) P.S. Case No.
217 of 2022, F.I.R. dated 12.06.2022 for the offences punishable
under Sections 341, 323, 376, 447, 504, 506 and 120B of the
Indian Penal Code and Section 4 of POCSO Act.

3. According to prosecution case, co-accused, Banti
Kumar has made physical relationship with the minor grand
daughter of the informant and also threatened her by making her
obscene photographs viral. It is further alleged that the co-
accused directed the victim to reach Yashwantpur railway
station where this petitioner came and took her at his residence.

4. Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case merely on the ground that the petitioner is brother of the co-accused, Banti Kumar. He further submits that it appears from F.I.R that the date of occurrence is 04.05.2022 but the present F.I.R has been instituted on 12.06.2022 i.e. after delay of more than one month without giving any explanation of the said delay. He further submits that from perusal of the F.I.R it appears that the main acquisition is against the co-accused, Banti Kumar who happens to be the brother of the petitioner and there is no acquisition of assault or overt act against the petitioner and the only allegation against the petitioner is that he also tried to commit wrong with the victim. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 10.04.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. 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 Exclusive Special Judge (POCSO) cum Additional District & Sessions



Judge, Bhagalpur in connection with Sabour (Goradih) P.S.
Case No. 217 of 2022, subject to the following conditions:-

i. 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.

ii. 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.

iii. 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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