

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57833 of 2022

Arising Out of PS. Case No.-222 Year-2022 Thana- MUFFASIL District- Aurangabad

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Manoj Kumar Son of Karmu Yadav Resident of village - Munshi Bigha, P.S.-
Muffasil Aurangabad, District - Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Leelawati Kumari, Advocate

For the Opposite Party/s : Ms. Usha Kumari 1, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 15-03-2023 Heard learned counsel for the petitioner and 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 448 and 354(B) of the
Indian Penal Code, Section 4/6 of the POCSO Act and Section
3(i)(r)(s) of the SC/ST Act.

According to prosecution case, the accused molested
the informant's daughter aged about 8 years, finding her alone
in the home.

Learned counsel for the petitioner submits that
petitioner has falsely been implicated in the present case. He



further submits that the informant is not the eye witness of the alleged occurrence. He further submits that due to land dispute, the petitioner has falsely been implicated in this case. He further submits that from the perusal of the F.I.R., it transpire that according to the F.I.R., the petitioner has tried to molest the daughter of the informant. He further submits that till date, statement of victim under Section 164 of the Cr.P.C. was not recorded and it appears from the paragraph no. 34 of the case diary that the victim has refused for medical examination. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 26.06.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

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 Muffasil Aurangabad P.S. Case No. 222 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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