

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64524 of 2023

Arising Out of PS. Case No.-44 Year-2023 Thana- BIND District- Nalanda

Kundan Bind, S/o Sudhir Bind, Resident of Village-Dariyapur, P.S.-Bind,
District-Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Binit Kumar, Advocate
For the State	:	Mr. Abhay Kumar Roy, APP
For the Informant	:	Mr. Pankaj Kumar, Advocate
		Mr. Ram Murti, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 11-10-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Bind P.S. Case No. 44 of 2023, lodged on 03.05.2023 under
Sections 341, 323, 354, 504, 506 read with U/s 34 of the Indian
Penal Code and sections 8/12 of the Protection of Children from
Sexual Offences Act, 2012.

3. As per the prosecution case, there were in total 9
accused persons in the FIR which has been instituted U/s 156(3)
of the Cr.P.C. arisen from complaint case No. 11 of 2023 for the
occurrence which is alleged to be taken place on 02.04.2023.

4. Learned counsel for the petitioner submits that the
informant and the accused both are resident of the same village



and well known to each other. Learned counsel submits that for the said date of occurrence on 02.04.2023, there were two criminal cases lodged, one criminal case has been alleged by the petitioner's side bearing Bind P.S. case No. 34 of 2023 dated 02.04.2023 itself, whereas, the present case in which the petitioner has been made accused has been lodged on 05.04.2023 i.e. delay of about 30 days which was subsequently registered as Bind P.S. Case No. 44 of 2023. He further submits that the antecedent of the petitioner is clean and he is in custody since 05.08.2023.

5. Learned counsel for the informant as well as learned APP for the State vehemently opposed the prayer for bail of the petitioner and have submitted that the allegations are specific against the petitioner in the present case.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge VIth-cum-Spl. Judge (POCSO), Biharsharif, Nalanda in connection with Bind P.S. Case No. 44 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the



following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J.)

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