

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64221 of 2023

Arising Out of PS. Case No.-119 Year-2022 Thana- KARAKAT District- Rohtas

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YOGESH RAM @ YOGESH KUMAR RAM SON OF MOKIT RAM @
MUKTI RAM @ MOHIT RAM RESIDENT OF VILLAGE - MANIK
PARASI, P.S. - KARAKAT (GORARI), DISTRICT - ROHTAS

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sarfraz Ahmad, Adv

For the Opposite Party/s : Mr.Amitesh Kumar, Adv

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 06-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
POCSO Case No. 05 of 2023 arising out of Karakat P.S. Case
No. 119/2022 registered on 11.07.2022 lodged under Sections
341, 323, 363, 366(A), 376(D), 371(K) of the I.P.C. and 4/6 of
POCSO Act and 3, 4, 5, 7 of Immoral Trafficking Act.

3. As per the prosecution case, F.I.R. has been lodged
against four named accused persons excluding the petitioner.

4. Counsel for the petitioner submits that petitioner is
not named in the F.I.R. He submits that name of the petitioner
has been figured in this case during investigation that he has
assisted the other co-accused. On earlier occasion, case diary



has been called for vide order dated 11.10.2023 and the statement under Section 164 Cr.P.C. nothing was alleged against the present petitioner.

5. Counsel further submits that petitioner is innocent and has committed no offence. He further submits that petitioner is in custody since 17.10.2022 having one criminal case pending against him, in which he is on bail. Counsel further submits that co-ordinate Bench of this Court has pleased to grant bail to two named accused persons namely Prem Kumar Tiwari and Sushil Kumar Tiwari by virtue of order dated 01.08.2023 vide Cr.Misc No. 75378 of 2022 and also granted bail to other not named accused person vide order dated 19.06.2023 vide Cr. Misc. No. 13713 of 2023. Counsel also submits that bail application of one Lalan Tiwari against whom there is allegation of rape has been rejected by the co-ordinate Bench vide order 01.08.2023 passed in Cr. Misc. No. 1014 of 2023.

6. Learned counsel for the State opposes the prayer for bail and submits that case diary has been received and the statement under Section 164 Cr.P.C., the name of the petitioner is not figured.

7. 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 A.D.J., VIIth-cum-Exclusive Special Judge (POCSO) Act, Rohtas in connection with n connection with POCSO Case No. 05 of 2023 arising out of Karakat P.S. Case No. 119/2022 , subject to the following conditions as well as the conditions laid down under Section 437 (3) of the Cr.P.C.

(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.

8. With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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