

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66759 of 2023

Arising Out of PS. Case No.-52 Year-2023 Thana- MAHILA P.S. District- Samastipur

Bharat Kumar Son Of Late Ram Prevesh Rai, Resident Of Village -PATPARA
South, Ps- Bibhutipur, Dist- Samastipur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rambabu Yadav, Adv.

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 16-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Samastipur Mahila P.S. Case No. 52 of 2023 lodged under Sections 376, 420, 341, 504, 506, 363/34 of the I.P.C. read with Section 17 of the POCSO Act.

3. As per the prosecution case, the F.I.R. has been lodged against one named accused person and one unknown accused person being the worker and the doctor working in Sathi Health Care Hospital.

4. Learned counsel for the petitioner submits that petitioner is not named in the F.I.R.. The specific allegation in the F.I.R. has been made against one Ashok Yadav who used to establish physical relation with the informant on the pretext of

marriage as a result of which, the victim got pregnant and was admitted to Sathi Health Care Hospital where she gave birth to a dead child.

5. Counsel further submits that petitioner's name has come at the subsequent stage of the case. Counsel submits that he is alleged to be the compounder in Krishna Hospital and as per the F.I.R., the accused is the person relating to Sathi Health Care Hospital where born baby of the informant was admitted.

6. Counsel for the petitioner submits that petitioner is in custody is since 29.06.2023 having clean antecedent. He also submits that petitioner is law abiding citizen and he is ready to fulfill all the conditions whatsoever shall be imposed upon him.

7. Learned counsel for the State opposes the prayer for bail and submits that the allegation of developing physical relation is against one Ashok Yadav.

8. 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 Addl. Sessions Judge-VI cum Spl. Court (POCSO), Samastipur in connection with Samastipur Mahila P.S. Case No. 52 of 2023, subject to the following

conditions as laid down under Section 437(3) of Cr.P.C. with other 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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