

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63453 of 2022

Arising Out of PS. Case No.-242 Year-2022 Thana- PUPRI District- Sitamarhi

Nitish Kumar Son of Awadhesh Das, R/o Village- Bhaluhiya, Ward No. 13,
P.S.- Nanpur, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa, Advocate

For the Opposite Party/s : Mr. Mohammad Sufyan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 04-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 341, 342, 323, 354(A), 376, 511, 34 of the Indian Penal Code and Section 4, 5 of the POCSO Act.

According to prosecution case, as per F.I.R. is that on 22.07.2022 the petitioner tried to commit rape upon the informant's minor daughter aged 15 years. On alarm raised by her daughter, she alongwith other persons reached there and saved the victim and locked the room from outside. Concerned police was informed and petitioner was handed over to the police. It is further alleged that co-accused Akbar Nadaf also co-operate the petitioner in the alleged occurrence.



Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is that the petitioner has tried to commit rape upon the victim. He further submits that in fact the victim has supported the case as alleged in the F.I.R. in her statement which was recorded under Section 164 of Cr.P.C. but it has come during investigation she has refused her medical examination. He further submits that no such occurrence took place as alleged in the F.I.R. and the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 23.07.2022.

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

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 Pupri P.S. Case No. 242 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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