

Arising Out of PS. Case No.-33 Year-2022 Thana- SULTANGANJ District- Patna

... Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

For the Petitioner/s : Mr. Nuzhat Perween, Advocate

For the Opposite Party/s : **Mr. Atul Chandra, APP**

4 24-04-2023 1. Heard learned counsel for the petitioner and the learned APP for the State.

2. Petitioner seeks regular bail in connection with Sultanganj P.S. Case No.33 of 2022 dated 29.01.2022 registered for the offences punishable under Sections 376,323 and 506 of the Indian Penal Code and Sections 8 and 12 of the POCSO Act.

3. The main submissions advanced by the learned counsel for the petitioner are that the petitioner has been languishing in jail since 01.02.2022 and during investigation the victim denied to undergo medical examination, so there is no medical expert's opinion regarding the alleged sexual relation between the petitioner and the victim and during investigation



victim's own sister did not support the allegations levelled by the victim and now the petitioner's trial has started and victim has been examined.

4. Learned APP appearing for the State has opposed the bail prayer.

5. Heard both the sides and perused the FIR, case diary and the order impugned of this case. Though against the petitioner there is serious allegation of sexual assault committed by him with a minor girl who is stated to be a relative of the petitioner but as the petitioner's trial has started and the said victim has been examined as a witness and only two witnesses have been examined till date and last witness was examined on 25.11.2022 and thereafter no witness has been produced by the prosecution in the petitioner's trial which shows the lingering attitude of the prosecution, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner 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 concerned Court in connection with Sultanganj P.S. Case No.33 of 2022, on the following conditions:-

(I) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(II) 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.

(III) One of the bailers shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

sangam/-

U		T	
---	--	---	--

