

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69258 of 2023

Arising Out of PS. Case No.-12 Year-2022 Thana- CHIKSAUR District- Nalanda

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Kunnu Kumar @ Rajmani Kumar, son of Ramayan Prasad R/o- Hasanpur
P.S- Chiksaura Dist- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek, Adv.

For the Opposite Party/s : Mr.Pradeep Narain Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 24-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Chiksaura P.S. Case No. 12 of 2022, lodged on 04.02.2022
under Sections 366(A), 376/34 of the Indian Penal Code and
section 4/6 of the POCSO Act.

3. Learned counsel for the petitioner submits that the
bail application of the petitioner has been rejected vide order
dated 21.02.2023 passed in Cr. Misc. No. 53958 of 2022.
Counsel also submits that at the time of rejection of the bail
application of the petitioner, liberty was granted to him to move
before the trial court and the trial court was directed to consider
the case of the petitioner, if the victim has adduced evidence in
favour of the petitioner. Counsel further submits that he has



annexed the evidence of the victim, victim's father and victim's mother as Annexure P/2 series in which they have adduced evidence in favour of the petitioner. He further submits that the antecedent of the petitioner is clean and he is in custody since 21.07.2022.

4. Learned APP for the State opposes the prayer for bail of the petitioner and submits that vide Annexure P/2 series, deposition of prosecution witnesses are there by which no material has come against the petitioner.

5. 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 7th Additional Sessions Judge-cum-Special Judge, POCSO, Bihar Sharif, Nalanda in connection with Chiksaura P.S. Case No. 12 of 2022, 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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