

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63735 of 2022

Arising Out of PS. Case No.-103 Year-2022 Thana- IMAMGANJ District- Gaya

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RAMASHISH KUMAR @ PAIRU KUMAR Son of Arjun Yadav Resident of
Village- Bageya, P.S.- Imamganj, District- Gaya (Bihar)

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Leelawati Kumari, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, A.P.P.

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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 302, 376, 34 of the Indian
Penal Code and Section 4 of POCSO Act.

According to prosecution case, as per written report of
the father of the victim is that on 16.06.2022 petitioner and
Vikas Kumar molested the victim daughter aged about 15 years
of the informant and also committed rape with her. In the
meantime, the informant reached his house where her daughter
was crying. On being asked, the victim daughter of the
informant disclosed that both the accused persons have
committed rape with her. Thereafter, the informant went to
some other place for some work. Thereafter the accused persons



forcibly took the victim to their house and strangled her to death.

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 false and fabricated and no such occurrence as alleged in took place. He further submits that the postmortem report of the victim does not support the allegation as alleged in the F.I.R. and the informant is not the eye witness of the alleged occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 20.06.2022.

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 Imamganj P.S. Case No. 103 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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