

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66045 of 2022

Arising Out of PS. Case No.-138 Year-2022 Thana- BUXAR INDUSTRIAL District- Buxar

Saheb Dom @ Saheb Kumar, S/o Munna Dom @ Munna Ram, R/v-
Arjunpur, P.S.- Industrial Area, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Hriday Prasad, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-03-2023 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 366(A) of I.P.C. and 8 of POCSO Act.

According to prosecution case, the petitioner is alleged to
have allured the sister of the informant and accordingly the victim is
traceless.

Learned counsel for the petitioner submitted that
petitioner has clean antecedent and he has falsely been implicated in
this case. He further submits that in fact the petitioner and victim girl
was in love. The statement of victim girl has been recovered and her
statement has been recorded u/s 164 Cr.P.C. in which she has
categorically stated that she was having love affairs with the
petitioner. She also stated that she went with the petitioner by her



own will and consent. He further submits that the medical Board assessed the age of the victim girl between 17 to 18 years and declared her major. The police after investigation submitted charge sheet against the petitioner and the petitioner is in custody since 27.07.2022.

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 POCSO Case No. 58/2022 arising out of Buxar Industrial P.S. Case No.138/2022, 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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