

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66851 of 2022

Arising Out of PS. Case No.-33 Year-2022 Thana- MAHILA PS District- Buxar

JAYLAL SINGH S/O Madan Singh R/O Village- Puliyan , P.S- Buxar
Muffasil

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Adv.

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 28-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with POCSO
Case No. 50 of 2022 arising out of Buxar Mahila P.S. Case No. 33
of 2022 dated 18.05.2022 registered for the offence under
Sections 376D, 323, 120B and 34 of the Indian Penal Code and
Section 4 of the POCSO Act.

According to the F.I.R., the informant, who is minor,
alleged that the co-accused, Ajay Gupta, who stated to be a
tantric, used to commit rape upon her after having consent from
her parents.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that



the allegation as alleged in the F.I.R. is false and fabricated as no such occurrence took place. He further submits that both the victims in their statement recorded under Section 161 Cr.P.C. have clearly stated that the petitioner has not committed any wrong with them. They have also stated that the main culprit is their mother and father they used to assault her and they have permitted the co-accused, Ajay Gupta to establish physical relation with them for want of son. They have also categorically stated that the petitioner has always tendered helping hand to them and the he is being implicated by their parents in this case. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 21.05.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, 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 learned A.D.J.-6th -cum- Special Judge, POCSO Act, Buxar in connection with POCSO Case No. 50 of 2022 arising out of Buxar Mahila P.S. Case No. 33 of 2022 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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