

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4210 of 2022

Arising Out of PS. Case No.-85 Year-2020 Thana- FATEHPUR District- Gaya

Santu Prasad @ Santu Kumar Son Of Mahajan Prasad @ Naresh Prasad R/O
Village- Dharampur, P.S.- Fatehpur, District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Pallavi Kumari Wife Of Sanjay Ravidas R/O Village- Dharampur, P.S.-
Fatehpur, District- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Priya Ranjan, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 16-03-2023 Heard learned counsel for the appellant, learned
counsel appearing on behalf of the informant as well as learned
Spl.P.P. for the State.

Learned counsel for the informant has filed
Vakalatnama in court.

This is an appeal under Sections 14(A)(2) against
refusal of the prayer for bail by order dated 27.09.2022 passed
by the learned Special Judge POCSO-cum- Additional District
Judge -VI, Gaya in connection POCSO Case No. 58 of 2020
arising out of Fatehpur P.S. Case No. 85 of 2020 registered
under Sections 341, 323, 354(B), 506/34 of the Indian Penal
Code, Section 8/12 of POCSO Act and Section 3(1)(r), (s) of
SC/ST (POA) Act.

According to the prosecution case, the appellant along



with other accused persons caught the informant with bad intentions and also assaulted her and tried to molest her.

Learned counsel for the appellant submits that appellant has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation against the appellant as alleged in the F.I.R. is that he has tried to molest the victim along with other co-accused persons. He further submits that in fact, the allegation as alleged in the F.I.R. is false and fabricated and no such occurrence took place. He further submits that due to dirty village politics, the name of the appellant has falsely been implicated in this case. He further submits that after investigation the police have submitted the charge sheet against the appellant. The appellant is in custody since 26.08.2022.

The learned counsel appearing on behalf of the informant as well as learned Special Public Prosecutor have vehemently opposed the prayer for bail of the appellant.

Hence, let the appellants, 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 learned court below where the case is pending in connection with POCSO Case No. 58 of 2020 arising out of Fatehpur P.S.



Case No. 85 of 2020 subject to the following conditions:-

1. Appellant 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 appellant 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 appellant and in case at any stage it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. 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.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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