

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73193 of 2022

Arising Out of PS. Case No.-115 Year-2021 Thana- NIRMALI District- Supaul

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RAJA KUMAR MUKHIYA @ RAJA MUKHIYA Son of Pramod Mukhiya
@ Khatar Mukhiya R/v- Bela Singar Moti, Tola- Camp Ward No. 10, P.S.-
Nirmali, District- Supaul

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since 20.08.2022, in connection with POCSO Case No. 50/2021, arising out of Nirmali P.S. Case No. 115/2021, F.I.R. dated 14.07.2021, for the offences punishable under Sections 341, 323, 354(A), 354(B), 354(D), 504/34 of the Indian Penal Code and Sections 8 and 12 of the POCSO Act.

According to prosecution case, when the informant was returning to her home after cutting grass, the petitioner tried to take her in jute field with bad intention holding her scarf.

Learned counsel for the petitioner submits that the petitioner is innocent and he has falsely been implicated in the present case. He further submits that the date of occurrence in the F.I.R. is 08.07.2021 but the present F.I.R. was instituted on



14.07.2021, after delay of six days, without giving any explanation of delay. He further submits that the alleged occurrence took place in presence of the Aunt of the victim, which shows that the case is false and fabricated and in fact no such occurrence has ever taken place. He further submits that it appears from the medical report that the victim was major at the time of occurrence, so, no case under the POCSO Act is made out against the petitioner and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 20.08.2022.

The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one criminal antecedent other than the present one but fairly submits that the petitioner has been granted anticipatory bail by the learned court below.

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 Additional District and Sessions Judge VI-cum-Special Judge POCSO, Supaul, in connection with POCSO Case No. 50/2021, arising out of Nirmali P.S. Case No. 115/2021, 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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