

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.143 of 2023

Arising Out of PS. Case No.-94 Year-2022 Thana- SARE District- Nalanda

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Dharmveer Chaudhary @ Dharamveer Chaudhary S/o Bhuneshwar
Chaudhary R/v- Murgichak, P.S.- Sare, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
28.10.2022 in connection with Sare P.S. Case No. 94 of 2022,
F.I.R. dated 15.05.2022 for the offences punishable under
Sections 341, 323, 354, 504, 506, 34 of the Indian Penal Code
and Sections 8 and 12 of the POCSO Act.

According to prosecution case, in brief, is that the
petitioner as well as Rohit Kumar used to abuse the victim girl
while she was in the way to school. It is further stated by the
Bhabhi of the victim girl said to her husband and the brother of
the victim girl restrained for using foul language and Rohit
Kumar used to tease her while victim girl used to go to the
school. It is further alleged that when she complaint her got
infuriated and later on the accused Rohit Kumar assaulted by



means of Chappal, he pulled her hair, he tried to pull her sari and pushed on the earth and started molestation with her with a bad intention.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case merely on the basis that the petitioner is uncle of co-accused namely, Rohit Kumar. He further submits that it appears from the F.I.R. that there is no specific allegation of any assault or overt-act against the petitioner rather the allegation against the co-accused namely, Rohit Kumar who is nephew of the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 28.10.2022.

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 7th Additional District and Sessions Judge-cum-Special Judge, POCSO, Bihar Sharif, Nalanda in connection with Sare P.S. Case



No. 94 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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