

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5073 of 2023

Arising Out of PS. Case No.-222 Year-2022 Thana- AURAI District- Muzaffarpur

Gyanu Jha Son of Anjani Kumar Jha R/v- Sambhuta Bhaalura, P.S.- Orai,
District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baidya Nath Thakur, Advocate

For the Opposite Party/s : Mr. Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 25-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since 05.10.2022, in connection with Aurai P.S. Case No. 222 of 2022, F.I.R. dated 04.10.2022 registered for the offences punishable under Sections 341, 342, 323, 307, 354-B, 376, 376-D, B and 34 of the Indian Penal Code and Sections 4, 6 and 8 of the Prevention of Children from Sexual Offences Act.

As per allegation, petitioner along with other co-accused persons have assaulted the daughter of the informant and tried to outrage her modesty.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the



allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. and the statement of the victim was recorded under Section 164 of the Cr. P.C. in which she has not stated anything about the petitioner even she has not named the petitioner in her 164 statement and as per 164 statement of the victim it appears that no case is made out under Section 376 of the Indian Penal Code and even POCSO Act also. He further submits that co-accused persons namely Sonu Choudhary and Deepak Kamti have been granted bail by a Coordinate Bench of this Court vide order dated 18.04.2023 passed in Cr. Misc. No. 71052 of 2022 and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 05.10.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 6th Additional Sessions Judge-cum-Special Judge, POCSO, Muzaffapur in connection with Aurai P.S. Case No. 222 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 witness, 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 antecedents, 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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