

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.325 of 2023

Arising Out of PS. Case No.-445 Year-2022 Thana- OBRA District- Aurangabad

Basudeo Ram Son of Late Ram Sharan Ram Resident of village- Chapra
(inadvertently Chapari mentioned in the impugned order in the place of
Chapra), P.S.- Obra, District- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pratik Kumar Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
04.11.2022, in connection with Obra P.S. Case No. 445 of 2022,
F.I.R. dated 03.11.2022 registered for the offences punishable
under Sections 354, 354B, 354D/34 of the Indian Penal Code
and Sections 4, 8, 12 of the POCSO Act.

The prosecution case, in brief, is that the daughter of
the informant namely Suhani Kumari used to go every day for
tuition at the residence of Luv Kumar. In this course, on
03.11.2022 at 03:00 P.M. she went there for tuition and returned
at 05:00 P.M. the daughter of the informant was weeping then
the informant asked then she replied that Luv Kumar caught her



hand forcibly and tried to molest her and anyhow managed to escape from there.

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case on the basis that the petitioner is the father of co-accused Luv Kumar. He further submits that from bare perusal of the F.I.R. it appears that all the allegation is against co-accused Luv Kumar and the petitioner is the father of Luv Kumar, he has been falsely implicated in the present case. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 04.11.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case other than the present one but fairly submits from paragraph-3 of the petition that the petitioner is on bail.

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 District & Sessions Judge-cum-Special Exclusive Judge



(POCSO), Aurangabad in connection with Obra P.S. Case No. 445 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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