

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9956 of 2024

Arising Out of PS. Case No.-422 Year-2022 Thana- KESARIA District- East Champaran

Golu Kumar S/o Munna Kumar Singh @ Munna Singh R/o Village -
dharopali, Parsauni patti Gulab, P.O. and P.S. - Sahebganj, Dist. - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pravin Kumar, Advocate

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-02-2024 Heard Mr. Pravin Kumar, learned counsel for the
petitioner and Mr. Dilip Kumar No. 1, learned APP for the State.

2. Petitioner seeks bail, who is in custody since
12.11.2022, in connection with Kesariya P.S. Case No. 422 of
2022, F.I.R. dated 23.08.2022 registered for the offences
punishable under Sections 363, 365 of the Indian Penal Code
and Section 8 of the POCSO Act.

3. Earlier the bail petition of the petitioner was
rejected vide order dated 04.07.2023 passed in Cr. Misc. No.
18989 of 2023.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely
implicated in the present case. Although, the victim has
supported the case of the prosecution in her statement recorded



under Section 164 of the Cr. P.C. but during trial she has categorically stated that the petitioner has not committed anything wrong with her and it appears from the impugned order that the trial is going on and the victim has already been examined by the learned Trial Court and the petitioner is in custody since 12.11.2022.

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

6. 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 7th Additional Sessions Judge-cum-Special Judge, POCSO Act, Motihari, East Champaran in connection with Kesariya P.S. Case No. 422 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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