

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21615 of 2024

Arising Out of PS. Case No.-415 Year-2022 Thana- KHAIRA District- Saran

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Bhim Kumar son of Late Ashok Kumar Village- Madhopur Ps- Marhowrah
Dist- Saran. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sarvesh Kashyap, Advocate
For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP
For the Informant : Mr. Ranjeet Kumar Thakur, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 14-08-2024 Heard learned counsel for the petitioner and learned
APP for the State assisted by learned counsel for the informant.

2. The petitioner seeks bail in a case registered for
the offence punishable under Section 376 A, D/34 of the Indian
Penal Code and Section 4/6 of the POCSO Act.

3. The petitioner is said to have committed sexual
assault against the informant.

4. It is submitted by learned counsel for the
petitioner that no such occurrence as alleged ever took place.
He is quite innocent and has been falsely implicated in this case.
The allegation levelled against the petitioner is not specific
rather general and omnibus in nature. It is further submitted that
there is delay of five days in lodging the F.I.R. without
assigning any plausible and convincing reason for the said
delay. It is further submitted that earlier to the case under hand



an F.I.R. bearing Khaira P.S. Case No.412 of 2022 was lodged against the family members of the informant in which petitioner is an eye witness and only to put pressure upon the petitioner, this false and frivolous case has been lodged against him. In the medical examination of the informant, the doctor did not find any sign of recent sexual activity neither found any injury on the person of the informant and opined her age between 17 to 19 years. It is further submitted that charge has been framed against the petitioner on 01.08.2024 and there is no allegation of tampering with the evidence. The petitioner has no criminal antecedent and has been languishing in custody since 23.11.2023.

5. Learned APP for the State assisted by learned counsel for the informant opposed the bail petition.

6. Considering the facts aforesaid as well as the fact that the charge has been framed and there is no allegation of tampering with the evidence, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Khaira P.S. Case No.415 of 2022, subject to the following



conditions :

(i) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(ii) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(iii) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(iv) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(v) The petitioner will mark his attendance in the local police station in first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

(Anjani Kumar Sharan, J)

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