

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25571 of 2024

Arising Out of PS. Case No.-331 Year-2023 Thana- SOHSARAI District- Nalanda

Dillu Kumar @ Dilkhush Kumar Son of Mukesh @ Mukesh Kumar @
Mukesh Paswan, Resident of Village- Lohgani, P.S.- Sohsarai, Dist.- Nalanda.
... .. Petitioner

Versus

1. The State of Bihar.
2. Nutan Devi Prasad Wife of Aanand Prasad, Resident of Village- Lohgani,
P.S.- Sohsarai, Dist.- Nalanda.

... .. Opposite Part

Appearance :

For the Petitioner : Mr. Raj Kishor Prasad, Advocate
For the Opposite Party : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 26-07-2024 Heard Mr. Raj Kishor Prasad, the learned counsel
for the petitioner and Mr. Ram Naresh Ray, the learned
Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since
19.01.2024, in connection with Sohsarai P.S. Case No. 331 of
2023, FIR dated 01.12.2023, registered for the offences
punishable under Sections 341, 323, 504, 354, 307, 506 and 34
of the Indian Penal Code and under Sections 8 and 12 of
POCSO Act.

3. According to the prosecution case, while the
informant and her sisters were coming back from coaching
centre, the petitioner along with other co-accused persons



misbehaved with them. It is further alleged that when the parents of the informant complained about the incident to the parents of the co-accused persons, they assaulted the informant and her family members.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that upon perusal of the FIR, it appears that petitioner and other co-accused persons have only caught hold of the hand of the informant and her sisters. He further submits that the police after investigation has submitted the charge sheet against the petitioner and the petitioner is in custody since 19.01.2024.

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

6. Considering the aforesaid facts and circumstances and the nature of allegation, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-VII-cum-Special Judge, POCSO, Biharsharif, Nalanda, in



connection with **Sohsarai P.S. Case No. 331 of 2023**, subject to the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). 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.

(iii). And further condition that the learned trial Court 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 learned trial Court 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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