

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30485 of 2024

Arising Out of PS. Case No.-78 Year-2016 Thana- BAIKUNTHPUR District- Gopalganj

Neeraj Kumar Singh @ Neeraj Singh @ Niraj Singh son of Jay Narayan
Singh resident of village- Marachhi, P.S- Jamo Bazar, Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bindhyachal Singh, Sr. Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 26-04-2024 Heard Mr. Bindhyachal Singh, learned Senior counsel
for the petitioner and Mr. Mithlesh Kumar Khare, learned APP for
the State.

2. Petitioner seeks bail, who is in custody since
08.01.2024, in connection with Baikunthpur P.S. Case No. 78 of
2016, F.I.R. dated 05.07.2016 registered for the offences
punishable under Sections 363, 366(A) of the Indian Penal Code
and Sections 376/34 of the Indian Penal Code and Section 4/6 of
the POCSO Act.

3. Learned Senior counsel for the petitioner submits
that earlier the bail petition of the petitioner was allowed vide
order dated 26.09.2023 and the bail bond of the petitioner was
accepted and thereafter the bail bond of the petitioner was
cancelled on the ground that the petitioner has concealed his



criminal antecedents and then the petitioner surrendered before the learned Court below on 08.01.2024.

4. Learned Senior counsel for the petitioner further submits that although the victim has supported the case of the prosecution in her 164 statement recorded under Section 164 of the Cr. P.C. but the sister of the informant, namely, Supriya Kumari has filed a petition before the Superintendent of Police, Gopalganj for verifying statement of the victim and it has come during investigation that in fact the victim was in love with one Ravi Kumar and she is living with him in Banaras. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 08.01.2024.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries five more cases other than the present one but fairly submits on the basis of paragraph-3 of the petition that the petitioner is on bail in all the pending matters.

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 Chief Judicial Magistrate, Gopalganj in connection with Baikunthpur P.S. Case No. 78 of 2016, 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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