

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38354 of 2024

Arising Out of PS. Case No.-330 Year-2022 Thana- SULTANGANJ District- Patna

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Ankur Sharma Son of Pradeep Kumar Sharma Resident of Village- Subhash
Nagar, ward no.15, Basahiya Captanganj, P.S.- Captanganj, District-
Kushinagar, UP.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Maurya, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 23-08-2024 Heard Mr. Sanjay Kumar Maurya, learned counsel

for the petitioner and Mr. Shailendra Kumar, learned APP for

the State.

2. Petitioner seeks bail, who is in custody since
02.11.2022, in connection with Special (POCSO) Case No. 07
of 2023, arising out of Sultanganj P.S. Case No. 330 of 2022,
F.I.R. dated 11.09.2022 registered for the offences punishable
under Sections 354(A)(c)(d), 504, 506 of the Indian Penal Code
and Section 13/14 of the POCSO Act.

3. Earlier the bail petition of the petitioner was
rejected vide order dated 03.07.2023 passed in Cr. Misc. No.
10626 of 2023. Thereafter, the petitioner has again moved
before this Court in Cr. Misc. No. 26799 of 2024 but the same



was dismissed with liberty to the petitioner to file a fresh application before the learned Court below and again the petitioner has filed this bail petition for grant of regular bail to the petitioner.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R.

5. Vide order dated 21.06.2024, a report was called for with regard to the stage of the trial. The report of the learned Trial court dated 05.07.2024 reveals that out of eight chargesheeted witnesses, three witnesses have been examined as yet and the case is pending for the examination of five prosecution witnesses.

6. Learned counsel for the petitioner submits that in view of the report of the learned Trial court, the trial is not concluded in near future and the petitioner is in custody since 02.11.2022.

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



8. Considering the aforesaid facts and circumstances of the case and the fact that the petitioner having clean antecedent as well as the report of the learned trial court and also the period of custody, 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 Additional District & Sessions Judge-VII-cum-Exclusive Special Court, POCSO Act, Patna in connection with Special(POCSO) Case No. 07 of 2023 arising out of Sultanganj P.S. Case No. 330 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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