

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41587 of 2024

Arising Out of PS. Case No.-59 Year-2024 Thana- CHAND District- Kaimur (Bhabua)

Arvind Gond @ Nachak Gond Son of Shyamlal Gond, Resident of village-
Majhagayee, P.S- Chand, Dist- Kaimur, Bhabhua.

... .. Petitioner

Versus

1. The State of Bihar.
2. Kariman Gond Son Of Late Bai Kunthi Gond, R/O- Vill- Majhagayee, P.S.-
Chand, Distt- Kaimur.

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Aquaib Khan, Advocate

For the Opposite Party : Ms. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 18-09-2024 Heard Mr. Aquaib Khan, the learned counsel for

the petitioner and Ms. Suman Kumari Singh, the learned

Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since

27.03.2024, in connection with Chand P.S. Case No. 59 of 2024,

FIR dated 26.03.2024, registered for the offences punishable

under Sections 447, 354(B), 354(A)(i)(ii), 379, 504 and 506

read with Section 34 of the Indian Penal Code and under

Section 8 of POCSO Act.

3. According to the prosecution case, while the

informant's daughter was alone at her house, the petitioner

entered into the her house and on the point of pistol and knife,



he started molesting her and also started capturing video of the act.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and due to admitted land dispute, the petitioner has falsely been implicated in the present case. He further submits that the allegation levelled in the FIR is false and fabricate and the petitioner has not committed any offence as alleged in the FIR. He further submits that from perusal of the FIR, it appears that the date of occurrence as alleged in the FIR is on 23.03.2024 and the date of institution of FIR is on 26.03.2024, afterthought only to falsely implicate the petitioner. He lastly submits that the police after investigation has submitted the charge sheet against the petitioner and the petitioner is in custody since 27.03.2024.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that petitioner is named in the FIR. Apart from that, the victim, in her statement recorded under Section 164 of the Cr.P.C., has fully supported the case of the prosecution, however, he fairly submits that the victim has not stated anything regarding sexual assault against the petitioner in her statement recorded under Section 164 of the



Cr.P.C.

6. Considering the aforesaid facts and circumstances and mainly the facts that petitioner has clean antecedent, there is a delay of three days in lodging of the FIR without giving any explanation and victim in her statement recorded under Section 164 of the Cr. P.C. has not stated anything regarding sexual assault against the petitioner, 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 Judge-VI-cum-Special Judge POCSO Act, Kaimur at Bhabhua, in connection with **Chand P.S. Case No. 59 of 2024**, 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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