

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50493 of 2024

Arising Out of PS. Case No.-407 Year-2023 Thana- DEEPNAGAR District- Nalanda

Mukesh Kumar @ Putul, Son Of Late Kishori Mahto, Village- Jorarpur, Ps-
Deep Nagar, Dist- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabindra Prasad Singh, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-07-2024 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The application for grant of bail to the petitioner who is in custody in connection with Deep Nagar P.S. Case No. 407 of 2023 registered for the offence punishable under Sections 341, 323, 376, 504, 506 and 34 of the Indian Penal Code and Section 4/6 POCSO Act.

3. Based upon the written report the prosecution alleges that the minor daughter of the informant was enticed away by the petitioner. It is alleged that all the accused persons assaulted and threatened the informant with dire consequences. They also offered rupees six lakhs which has been denied by the informant.



4. Learned Advocate appearing on behalf of the petitioner contended that the petitioner and the informant are close door neighbour and on the alleged date of occurrence on account of some altercation took place between the parties, the present FIR has been instituted with a view to wreck vengeance and put pressure upon all the family members. It is further contended that after submission of the charge-sheet, the case has been committed and the trial has been commenced. During the course of trial, the victim, as well as, her parents were examined and their depositions have been recorded, but none of them have supported the prosecution case and in fact they were declared hostile. The copies of the deposition has been brought on record as Annexure 2 series. It is lastly contended that be that as it may, the petitioner is in custody since 06.09.2023 and now he has sufficiently punished without there being any material.

5. On the other hand, learned Advocate for the State vehemently opposes the bail application and contended that from the materials available on record, it appears that the witnesses has been gained over.

6. Regard being had to the submissions made on behalf of the parties and considering the deposition of the victim as well as her parents wherein they have not supported the



prosecution case coupled with the period of custody and the fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge IInd -cum- Special Judge, POCSO, Nalanda at Bihar Sharif in connection with Deep Nagar P.S. Case No. 407 of 2023, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 antecedent, the court below shall take immediate step for cancelling the bail



bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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