

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52749 of 2024

Arising Out of PS. Case No.-226 Year-2023 Thana- KALYANPUR District- Samastipur

Sumit Kumar @ Basant Kumar @ Sumit S/O Shri Ramnaresh Tiwari R/O
Village- Chakmehsi, P.S- Chakmehsi, Distt.- Samastipur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Pankaj Tiwari S/O Yogendra Tiwari R/O Village- Chakmehsi, Tola Masoom Nagar, Ward -13, P.S- Chakmehsi, Distt.- Samastipur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate
	:	Ms. Vaishnavi Singh, Advocate
	:	Mr. Ritwik Thakur, Advocate
For the Opposite Party/s	:	Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-09-2024 Heard Ms. Vaishnavi Singh, learned counsel for

the petitioner and Mr. Satyendra Narayan Singh, learned A.P.P.

for the State.

2. The petitioner seeks bail, who is in custody since 27.04.2024 in connection with Kalyanpur P.S. Case No. 226 of 2023, F.I.R. dated 24.07.2023 registered for the offence punishable under Sections 341, 323, 354(B), 500, 504, 34 of IPC, Sections 8, 12 and 17 of the Protection of Children from Sexual Offences Act, 2012 and Section 67 of the Information Technology (Amendment) Act, 2000.

3. Allegation against the petitioner and other co-



accused is that they molested the victim and made photographs of the incident.

4. Learned counsel appearing for the petitioner submits that the police, after investigation, submitted chargesheet under Section 341,323,342,354(B),500,504,34 of IPC, Section 8 of the POCSO Act and Section 67 of the IT Act on 20.06.2024 and the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR and apart from that, from a bare perusal of the statement of the victim which was recorded under Section 161 Cr.P.C. in which she has not stated anything with respect to molestation and after that, her statement was recorded under Section 164 Cr.P.C. in which she has developed the case and stated that the petitioner has molested her. Learned counsel for the petitioner submits that now the chargesheet has been submitted and petitioner is in custody since 27.04.2024.

5. Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the victim has supported the case of the prosecution and apart from that, the petitioner carries two more cases other than the present one but fairly submits that the petitioner is on bail in both the



cases, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid fact, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge POCSO, Samastipur in connection with Kalyanpur P.S. Case No. 226 of 2023, with the following conditions:-

(I) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(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 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 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)

Nitesh/-

U		T	
---	--	---	--

