

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59093 of 2024

Arising Out of PS. Case No.-70 Year-2024 Thana- CHAKIA District- East Champaran

Ramesh Sah son of Raghunath Sah village- Barndiya, Ward no. 3, Ps-
Chakiya, Dist- East champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ranjeet Kumar son of Late Raghunath Ram village- Fulwariya, ward no. 6,
ps- Chakiya, Dist- East champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binay Kumar, Advocate
For the Opposite Party/s : Mr. Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-09-2024 Heard Mr. Binay Kumar, learned counsel for the
petitioner and Mr. Sadanand Paswan, learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Chakia P.S. Case No. 70 of 2024, F.I.R. dated 06.03.2024 registered for the offences punishable under Sections 341, 323, 354, 427, 504, 506/34 of the Indian Penal Code, Section 12 of the POCSO Act and Section 3 (1)(s) of the SC/ST Act..

3. According to the prosecution case, it is alleged that the petitioner tried to misbehave with the informant's minor daughter. It is also alleged that on enquiring into the matter, the petitioner along with other co-accused persons abused and threatened to kill the informant and his family members.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and he has been falsely implicated in the present case. He further submits that from perusal of the F.I.R. it appears that there is no specific allegation attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner. He further submits that co-accused person namely Krishna Sah @ Krishna Kumar against whom the main allegation and others have been granted the privilege of anticipatory bail by this Court vide order dated 24.07.2024 passed in Cr. Misc. No. 40187 of 2024.

5. Learned APP for the State, on the other hand, opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner is named in the F.I.R and apart from that the petitioner carries one more case other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that the petitioner is on bail in the pending matter.

6. Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 7th Additiional Sessions Judge cum Special Judge POCSO Act, East Champaran at Motihari in connection with Chakiya P.S. Case No. 70 of 2024, subject to the conditions as laid down under Section



438(2) of the Code of Criminal Procedure and with other 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 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)

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