

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67183 of 2023

Arising Out of PS. Case No.-35 Year-2023 Thana- MANPUR District- Nalanda

RAJIV KUMAR @ JHUNNA S/o- BACHCHAN SINGH Village- Alaudiya
Ps- Manpur Dist-Nalanda

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Anil Kumar Singh, Adv.
For the State	:	Mrs.Rita Verma, APP
For the Informant		Mr. Ajay Mukherjee, Adv.
		Mr. Ganesh Sharma, Adv.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

5 24-01-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
POCSO Case No. 33 of 2023 arising out of Manpur P.S. Case
No. 35 of 2023 registered for the offences punishable under
Sections 341, 323, 354-B, 379, 447, 504, 506/34 of the Indian
Penal Code and Section 8/12 of the POCSO Act.

3. As per prosecution case, on 05.03.2023 at about
7:00 PM the informant came running at the door after hearing
sound of cry of her daughter and found that petitioner and co-
accused Santosh Singh and Deepak Kumar were standing there
and petitioner was using force against her daughter with bad
intention and he was also trying to take away her daughter by



dragging. It is further alleged that when the said activity was objected by the informant, co-accused Santosh Singh and Deepak Kumar started misbehaving with her also. It is also alleged that co-accused Santosh Singh assaulted informant's father-in-law by means of butt of pistol and co-accused Deepak Kumar threatened of dire consequences. It is further alleged that co-accused Santosh Singh snatched chain from informant's neck and co-accused Deepak Kumar snatched mangalsutra from the neck of informant's mother-in-law.

4. Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR. He further submits that allegation against the petitioner is merely based on FIR. He further submits that neither statement of victim is recorded under Section 161 nor 164 of the Cr.P.C. as victim resides in Delhi. In this way, the allegation made in the FIR is not supported by the statement of victim. Petitioner is in custody since 25.05.2023. Petitioner bears criminal antecedent of three cases in which he is on bail. Petitioner has been falsely implicated in the present case on account of personal grudge. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.



5. Learned counsel for the informant and learned A.P.P. for the State opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 6th Additional Sessions Judge-cum-Special Judge, POCSO, Biharsharif, Nalanda in connection with POCSO Case No. 33 of 2023 arising out of Manpur P.S. Case No. 35 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(Alok Kumar Pandey, J)

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