

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78461 of 2024

Arising Out of PS. Case No.-181 Year-2021 Thana- GAURICHAK District- Patna

Suman Singh S/o- Late Ram Akbal Singh, R/o Village- Daulatpur, Gandhi Tola, PS- Gaurichak, Dist- Patna.

... .. Petitioner

Versus

1. The State of Bihar.
2. Ravindra Ram S/o- Firangi Ram, R/o Village- Alawlpur, PS- Gaurichak Dist- Patna.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Suryakant Kumar, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-12-2024 Heard Mr. Suryakant Kumar, the learned counsel
for the petitioner and Mr. Umesh Lal Verma, the learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Gaurichak PS Case No. 181 of 2021, FIR dated 11.05.2021, registered for the offences punishable under Sections 363 and 366(A) of the Indian Penal Code. But, the police after investigation has submitted chargesheet against other co-accused persons namely, Aman Singh and Amit Singh for the offences punishable under Sections 363, 366(A) and 376 read with Section 34 of the Indian Penal Code and under Sections 4 and 6 of the POCSO Act.

3. According to the prosecution case, the daughter of



informant is traceless and informant suspects that one Aman Kumar has abducted her daughter.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that from perusal of the FIR, it appears that son of the petitioner namely, Amit Singh, was in love with the victim and petitioner has been made accused in the present case merely on the ground that petitioner is father of co-accused Amit Singh and nothing has come during investigation which suggests that petitioner is remotely involved in the present case. He further submits that in the statement of victim recorded under Section 164 of the Cr.P.C., she has not stated anything about the petitioner and the co-accused person Amit Singh is in custody and later on he has been granted bail by this Court.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and mainly the facts that petitioner has clean antecedent, he has been made accused in the present case merely on the ground that he is the father of co-accused Amit Singh and victim has not



stated anything about the petitioner in her statement recorded under Section 164 of the Cr.P.C., let the petitioner, above-named, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-VII-cum-Special Judge, POCSO, Patna, where the case is pending in connection with **Gaurichak PS Case No. 181 of 2021**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also 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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