

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85017 of 2023

Arising Out of PS. Case No.-276 Year-2014 Thana- CHIRAIYA District- East Champaran

Laddu Rai SON OF RAMDAYAL RAI RESIDENT OF VILLAGE-
KATKWYA, PS- CHIRAIYA, DISTT- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-01-2024 Heard Mr. Ansul Kumar, learned counsel for the
petitioner and Mr. Pranav Kumar, learned APP for the State.

2. Petitioner seeks bail, who is in custody since 24.01.2023, in connection with Chiraiya P.S. Case No. 276 of 2014, F.I.R. dated 03.11.2014 registered for the offences punishable under Sections 302, 376(g), 201, 120B of the Indian Penal Code and Sections 4, 6 of the POCSO Act.

3. Earlier the petitioner has been granted bail vide order dated 25.07.2023 passed in Cr. Misc. No. 30797 of 2023 along with other co-accused persons but the bail bond of the petitioner was not accepted by the learned Trial court on the ground that the petitioner carries some criminal case which he has not mentioned in his bail application.

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 the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of restatement of the informant after six years of the date of occurrence. He further submits that the informant is not the eye witness of the alleged occurrence and the co-accused namely, Rampukar Rai who is named in the F.I.R. has put on trial in Sessions Trial No. 12 of 2015 and he has been acquitted from the charges as alleged in the F.I.R. Vide order dated 30.06.2016 itself. He further submits that except the restatement of the informant, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 24.01.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case other than the present one in which he is on bail.

6. Considering the facts and circumstances of the case, 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 Additional Sessions Judge 6th-cum-Special Judge, POCSO Act,



Motihari, East Champaran in connection with Chiraiya P.S. Case No. 276 of 2014, subject to the 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 antecedents, 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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