

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85763 of 2023

Arising Out of PS. Case No.-171 Year-2022 Thana- BAUNSI District- Banka

Nitu Devi @ Neetu Devi W/o Devendra Manjhi R/o vill - Jhapaniya, P.S. -
Bounsi, Distt. - Banka

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pinki Devi W/o Bajrangi Mandal R/o vill - Bhikhanpur, P.S. - Bounsi, Distt.
- Banka

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 23-02-2024 Heard Mr. Ajay Mukherjee, learned counsel for the
petitioner and Mr. Uday Pratap Singh, learned APP for the State.

2. Petitioner seeks bail, who is in custody since
30.07.2022, in connection with Special POCSO Case No. 59 of
2022 arising out of Bounsi P.S. Case No. 171 of 2022, F.I.R.
dated 13.07.2022 registered for the offences punishable under
Sections 366(A) of the Indian Penal Code but the chargesheet
has been submitted against the petitioner under Sections 366(A),
341, 370, 506/34 of the Indian Penal Code and Section 12 of the
POCSO Act.

3. Earlier the bail petition of the petitioner was
rejected on 20.04.2023 in Cr. Misc. No. 54325 of 2022.



4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R.

5. Vide order dated 05.01.2024, a report was called for with regard to the stage of the trial. Report dated 12.01.2024 of the learned Trial Court reveals that no witnesses have been examined as yet.

6. Learned counsel for the petitioner submits that in view of the report of the learned Trial court, there is no chance of early conclusion of the trial and the petitioner having clean antecedent and the petitioner is in custody since 30.07.2022.

7. Considering the aforesaid facts as well as report of the learned Trial court, 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-6-cum-Special Judge POCSO, Banka/Successor Court, Banka in connection with Special POCSO Case No. 59 of 2022 arising out of Bounsi P.S. Case No. 171 of 2022, 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)

Ibrar//-

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

