

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86999 of 2024

Arising Out of PS. Case No.-139 Year-2022 Thana- SITAMARHI District- Sitamarhi

Sharwan Kumar @ Chandan Kumar @ Shravan Kumar Son of Fekan Das
Resident of Village - Bhup Bhairo, Ward No.9, P.S. - Sitamarhi, District -
Sitamarhi (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shatrughan Sah Son of Late Ganeshi Sah Resident of Village - Bhup Bhairo,
Ward No.9, P.S. - Sitamarhi (Bhoop Bhairo Panchayat Bhawan O.P.),
District - Sitamarhi (Bihar)

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Uday Kumar, Advocate
For the Informant	:	Mr. Abinash Narayan, Advocate
For the State	:	Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 19-03-2025 Heard Mr. Uday Kumar, learned counsel for the

petitioner, Mr. Abinash Narayan, learned counsel for the

Informant and Mr. Ashok Kumar Singh, learned APP for the

State.

2. Petitioner seeks bail, who is in custody since
07.03.2022, in connection with Sitamarhi P.S. Case No. 139 of
2022, F.I.R. dated 26.02.2022 registered for the offences
punishable under Sections 363, 366(A), 379 & 34 of the Indian
Penal Code and Section 8 of the Protection of Children from
Sexual Offences Act.

3. 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.

4. Earlier the bail petition of the petitioner has been rejected vide order dated 13.07.2023 passed in Cr. Misc. No. 21343 of 2023 in which one of the condition was that one of the bailors should be the victim but she has refused to become the bailor in the present case so the bail bond of the petitioner was not accepted by the learned Trial Court. Thereafter, the petitioner moved for modification of the order dated 13.07.2023 in Cr. Misc. No. 64341 of 2023 but the same was disposed of on 22.09.2023. Thereafter, the petitioner has again moved before this Court for bail in Cr. Misc. No. 76296 of 2023 but the same was rejected vide order dated 10.11.2023 and thereafter the petitioner has again filed the present bail application for grant of regular bail.

5. Learned counsel for the Informant appears and submits that the trial is going on and witnesses have supported the case of the prosecution.

6. Vide order dated 27.01.2025 a report was called for with regard to the present stage of the trial. Report dated



27.02.2025 of the learned Trial Court reveals that out of seven chargesheeted witnesses, four witnesses have already been examined and the case is pending for examination of three prosecution witness.

7. 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 in near future and the petitioner is in custody since 07.03.2022 more than three years.

8. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

9. Considering the aforesaid facts and circumstances of the case as well as the report of the learned Trial Court and the period of custody, 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 VI-cum-Special Judge (POCSO Act), Sitamarhi in connection with Sitamarhi P.S. Case No. 139 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)

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