

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15862 of 2019

Arising Out of PS. Case No.-610 Year-2018 Thana- BAKHTIYARPUR District- Patna

ABINASH KUMAR @ AVINASH RAI Son of Bhulan Prasad @ Bhulan Rai
Resident of Village - Mahamadpur, P.S.- Bakhtiyarpur, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 14-03-2019 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 341/323/385/354/354A/354B/34 IPC and Section 12 of the POCSO Act registered in connection with Bakhtiyarpur P.S. Case No. 610 of 2018.

3. It is submitted that the petitioner has been falsely implicated and the accusation in the FIR that the petitioner's father ordered him to misbehave with the informant's daughter is highly improbable and casts serious doubt upon the veracity of the prosecution case. All the members of the petitioner's family including lady members have been made accused in the backdrop of partition dispute between the parties who are agnates. Even in the past Bakhtiyarpur P.S. Case No. 508/2018 has been filed at the instance of the informant herself. There is no injury report to corroborate the accusations that accused persons came to the informant's house with lathi, danda.

4. Learned APP appears and opposes the anticipatory bail petition submitting that there is specific accusation against the petitioner.

5. Be that as it may, in the event of the petitioner's arrest or



surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, POCSO Act, Patna, in connection with Bakhtiyarpur P.S. Case No. 610 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

- i. That one of the bailors shall be a close relative of the petitioner.
- ii. That the petitioner shall not indulge in any similar offence till conclusion of the trial.
- iii. That the petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.
- iv. The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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