

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18384 of 2022**

Arising Out of PS. Case No.-428 Year-2021 Thana- WARISLIGANJ District- Nawada

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Akhilesh Kumar @ Ghanshyam Kumar Son of Naresh Yadav Resident of
Village - Kolha Bigha, P.O.- Mesaur, P.S.- Warisaliganj, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

6 23-08-2022 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding in

physical mode in normal course.

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner seeks bail in a case registered for the

offences punishable under Sections 341, 342, 323, 324, 354(B),

376(3) of the Indian Penal Code and Sections 4, 8 of the

POCSO Act.

Allegation against the petitioner is that he tried to

commit rape upon the victim.

Learned counsel for the petitioner submits that the

petitioner has clean antecedents and he has been falsely

implicated in the present case. He further submits that the F.I.R.



has been instituted only to pressurize the petitioner to settle the land dispute between the parties. He further submits that as per allegation against the petitioner that he tried to commit reape upon the victim. He further submits that the trial of the case has started and the informant as well as his mother have deposed before the court concerned and they have not supported the case as alleged in the F.I.R. and the petitioner is in custody since 16.11.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner.

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 Court below where the case is pending in connection with Warisaliganj P.S. Case No. 428 of 2021, with 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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