

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45209 of 2023

Arising Out of PS. Case No.-1091 Year-2022 Thana- SHERGHATI District- Gaya

PAWAN KUMAR son of Kalicharan Yadav Village- Bhusbhusiya Tola Meena
Tand Ps- Sherghati Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivendra Prasad, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 11-09-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner, who is in custody since 05.01.2023 seeks
bail, in connection with Sherghati P.S. Case No. 1091/2022,
dated 19.11.2022, for the offences punishable under Sections
366(A), 120(B)/34 of the IPC but the charge sheet has been
submitted under Sections 366(a) & 376(b) of the IPC.

3. According to prosecution case, the petitioner is
alleged to have forcibly taken away the minor daughter of the
informant and committed rape upon her.

4. Learned counsel for the petitioner submits that the
petitioner has falsely been 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. He further submits that the statement of the victim was recorded under Section 164 Cr.P.C., in which she has not supported the case of prosecution and the medical report of the victim suggest that she is aged about 17 to 18 years. He further submits that the medical report of the victim does not support the allegation under Section 366(A) & 376(3) of the IPC and without proper enquiry, the police has submitted charge sheet against the petitioner under Sections 366(A) and 376(3) of the IPC. The petitioner is in custody since 05.01.2023.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner has carried one criminal antecedent other than the present one.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge POCSO Act-cum-Additional Sessions Judge-VII, Gaya in connection with POCSO Case No.68/2023, arising out of Sherghati P.S. Case No.1091/2022, 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 witnesses, 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 antecedent, 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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