

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49784 of 2023

Arising Out of PS. Case No.-28 Year-2023 Thana- MAHILA PS District- East Champaran

Prince Kumar @ Vickey Kumar @ Prince son of Arun Tiwari @ Arun Kumar
Yadav village- Bariyari Tola Mangalapur Ps- Sangrampur Dist- E.Champaran.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 04-10-2023 Heard Mr. Ajay Kumar Singh, learned counsel for the
petitioner as well as Mr. Bhanu Pratap Singh, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Mahila P.S. Case No.28 of 2023, F.I.R. dated 07.05.2023 registered for the offence punishable under Sections 376(DA), 341, 34 of the Indian Penal Code and under Section 4/6 of the POCSO Act and under Section 3(i)(r)(s), 3(2)(va) of the SC/ST (POA) Act.

3. Allegation against the co-accused persons including the petitioner is of committed rape upon the informant's daughter when she gone to nature's call. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and has falsely been implicated in the present case. Further submits that as per allegation alleged



in the FIR, the petitioner and other two accused persons have committed rape upon the victim who is grand daughter of the informant. 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., although petitioner is named in the FIR, but statement of the victim girl recorded under Sections 164, 161 Cr.P.C. not stated anything about the petitioner, however, fairly stated that co-accused persons, namely, Rajan Kumar and Pankaj Kumar have committed rape upon her and further submits that petitioner has been implicated in this case due to ulterior motive.

5. Learned APP for the State, on the other hand vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory 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 6th Additional Sessions Judge-cum-Special Judge, POCSO Act, East Champaran at Motihari in connection with



Mahila P.S. Case No.28 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(i) 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 bonds shall be cancelled by the Court below.

(ii) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of anticipatory bail.

(iii) 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 anticipatory 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)

Prakash Narayan

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