

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46994 of 2023

Arising Out of PS. Case No.-155 Year-2023 Thana- DHAKA District- East Champaran

Akhilesh Kumar S/O Kishori Ram R/O Village- Lahan Dhaka, P.S. Dhaka,
Dist. East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

For the Opposite Party/s : Mr.Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since 03.04.2023 in connection with Dhaka P.S. Case No.155 of 2023, F.I.R. dated 02.04.2023 for the offences punishable under Sections 366(A),34 of the Indian Penal Code and Sections 8 and 12 of the POCSO Act.

3. The minor daughter of the informant is alleged to have been kidnapped by the petitioner and others.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR



and the statement of the victim under Section 164 Cr.P.C. was recorded in which she has categorically stated that she herself left her house and fled away with the petitioner and she has not stated anything about the sexual assault and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in judicial custody since 03.04.2023.

5. The learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner that he has abducted the victim and the statement of the victim under Section 164 Cr.P.C. was recorded and in particularly in para-4 of her statement, the victim has stated that she is minor but in her 164 Cr.P.C. statement in para-4 she also stated that the father of the victim has filed the present case which is false case.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail **after framing of the charges** on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 6th Additional Sessions Judge-cum-Special Judge, POCSO Act, Motihari, East Champaran in connection with Dhaka P.S. Case No.155 of 2023, subject to the



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 bond shall be cancelled by the Court below.

II. 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.

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 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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