

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51323 of 2023

Arising Out of PS. Case No.-152 Year-2023 Thana- TEKARI District- Gaya

Vikash Kumar Son Of Raj Ballabh Kushwaha Resident Of Village-
Ghanghaila, Ps- Tekari, Distt- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prithivi Raj Singh, Advocate
For the Opposite Party/s : Mr. Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
05.03.2023 in connection with Tekari (Mau O.P.) P.S. Case No.
152 of 2023, F.I.R. dated 04.03.2023 for the offences punishable
under Sections 341, 342 and 354 (A) of the Indian Penal Code
and Section 8 of the POCSO Act along with Section 3(1)(r)(s)
(w), 3(2)(va) of the Scheduled Castes and Scheduled Tribes Act.

4. According to prosecution case, the daughter of the
informant and her younger sister have gone to tailor. When they
were returning the petitioner stopped the victim and sent her
younger sister to bring singhara and in the meantime, petitioner
forcibly took the victim inside his house for doing evil work
with her. By opening the door, the victim fled away from the



house.

5. 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 F.I.R. is false and fabricated. He further submits that the petitioner has not committed any offence as alleged in the F.I.R. He further submits that from the perusal of the F.I.R., it appears that the petitioner has not committed anything wrong with the daughter of the informant. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 05.03.2023.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the victim was minor at the time of the occurrence and POCSO Act is attributed against the petitioner.

7. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail **after framing of charge** and 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 – cum- Additional Sessions Judge -VIIth, Gaya, in connection with



Tekari (Mau O.P.) P.S. Case No. 152 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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