

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51733 of 2022

Arising Out of PS. Case No.-61 Year-2022 Thana- GHORASAHAN District- East
Champaran

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Pramod Yadav @ Subodh Rai Son Of Birendra Rai Resident Of Village
Kaswa Kadamwa, P.S.- Ghorasahan, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate
For the Opposite Party/s : Mrs.Pushpa Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 08-05-2023 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
25.07.2022 in connection with Ghorasahan P.S. Case No. 61 of
2022, F.I.R. dated 10.02.2022 registered for the offence
punishable under Sections 341,323,324,325,354(B),379,504/34
of IPC and Section 8 of POCSO Act.

As per prosecution story, in short, is that the
accused petitioner took away forcibly the victim girl and
removed her pajama in prosecution of their common
intention with sexual intent and caused injuries on the head
of the victim.

Learned counsel appearing for the petitioner submits



that the petitioner has falsely been implicated in the present case. Further submits that the allegation as alleged in the FIR is false and fabricated. No such occurrence had taken place and the victim girl was recovered and her statement under Section 164 Cr.P.C. was recorded in which she has not stated anything against the petitioner about the sexual assault and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 25.07.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries two more cases other than the present one but fairly submits that the petitioner is on bail in both the cases, as mentioned in para-3 of the bail petition.

Considering the aforesaid facts, 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 learned 6th Additional Sessions Judge-cum-Special Judge, POCSO Act, Motihari, East Champaran in connection with Ghorasahan P.S. Case No. 61 of 2022, 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/her absence on two consecutive dates without sufficient reason, his/her 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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