

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3225 of 2023**

Arising Out of PS. Case No.-187 Year-2022 Thana- KUTUMBA District- Aurangabad

PRAVIN MEHTA Son of Doman Mehta R/V- Haneya, P.S- kutumba, Dist-
Aurangabad Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Leelawati Kumari, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 11-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
17.11.2022 in connection with Kutumba P.S. Case No. 187 of
2022, F.I.R. dated 04.08.2022 for the offences punishable under
Sections 376, 511 of the Indian Penal Code, Section 8 of
POCSO Act and Section 75 of J.J. Act.

According to prosecution case, as per written
statement of informant/victim, the allegation against the
petitioner is of attempting rape and penetrative sexual assault
with the victim aged about 16 years.

Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that the allegation against the



petitioner 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 of Cr.P.C. in which she has categorically stated that the petitioner has not committed anything wrong with her and it has come during investigation that the victim has denied for medical examination. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 17.11.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

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 Additional District and Sessions Judge-cum-Special Exclusive Judge (POCSO), Aurangabad in connection with Kutumba P.S. Case No. 187 of 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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