

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75165 of 2022

Arising Out of PS. Case No.-281 Year-2022 Thana- HASPURA District- Aurangabad

Vikash Kumar @ Kundan Kumar Son Of Late Beyas Ram R/O Village-
Dindeer, P.S.- Haspura, District- Aurangabad (BIHAR)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

3 18-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
20.09.2022 in connection with Haspura P.S. Case No. 281 of
2022, F.I.R. dated 19.09.2022 for the offences punishable under
Sections 376, 379, 504 and 506 of the Indian Penal Code and
Section 4 of POCSO Act.

According to prosecution case, the petitioner is
pressurizing the victim to make physical relation with him and
he also harass the victim. It is further stated that the petitioner
also abuses the family members of the victim.

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 it appears from the F.I.R. that the informant has not disclosed the date of occurrence. He further submits that from perusal of the F.I.R. it transpires that the date of occurrence is one year before filing of the present F.I.R. and even the informant has not disclosed in the F.I.R. that on which date/place the petitioner has committed wrong with the informant. He further submits that during investigation, the medical report of the victim also not supports the allegation as alleged in the F.I.R. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 20.09.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the victim girl was recovered and her statement was recorded under Section 164 of the Cr.P.C. in which she has categorically stated that the petitioner has committed rape upon her but fairly submits that the victim has not disclosed the date/place of occurrence in her 164 statement.

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 & Sessions Judge cum Spl. Exclusive Judge (POCSO),
Aurangabad in connection with Haspura P.S. Case No. 281 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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