

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25781 of 2024

Arising Out of PS. Case No.-212 Year-2023 Thana- ARA MUFFSIL District- Bhojpur

Aokila Nand Paswan @ Bokila Nand Ram Son Of Late Shiv Dayal Ram
Resident Of Village - Barki Sanadiya, P.S. - Ara Mufassil, District - Bhojpur
At Ara

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Malti Kumari, Advocate

For the Opposite Party/s : Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-07-2024 Heard Mrs. Malti Kumari, learned counsel for the
petitioner and Mr. Anant Kumar 1, learned APP for the State.

2. Petitioner seeks bail, who is in custody since
19.05.2023, in connection with POCSO Case No. 69 of 2023
arising out of Ara Muffasil P.S. Case No. 212 of 2023, F.I.R.
dated 18.05.2023 registered for the offences punishable under
Section 376 of the Indian Penal Code and Section 6 of the
POCSO Act.

3. Allegation against the petitioner is that he has
committed rape upon the victim who is minor.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely
implicated in the present case. He further submits that the



allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. and the petitioner is uncle of the victim who is 61 year of old person. He further submits that the allegation as alleged in the F.I.R. not supported by the medical evidence and the date of occurrence as alleged in the F.I.R. is 18.05.2023 and the medical of the victim was conducted on 19.05.2023 and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 19.05.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VIth, Bhojpur, Ara in connection with POCSO Case No. 69 of 2023 arising out of Ara Muffasil P.S. Case No. 212 of 2023, 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 witness, 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 antecedents, 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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