

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24464 of 2024

Arising Out of PS. Case No.-6 Year-2021 Thana- MAHILA P.S. District- Kaimur (Bhabua)

Gopal Pasi S/o Late Nathuni Pasi R/o Village Majhari P S Mohania, Distt. -
Kaimur (Bhabhua)

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Ruby Kumari D/o Mahendra Pasi R/o Mama Dev, P.S. - Mohania, Distt. -
Kaimur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Binod Kumar Singh with Ms. Alka Singh, Advocates
For the Opposite Party/s	:	Mr. Ram Priya Sharan Singh

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

5 09-08-2024 Heard Mr. Binod Kumar Singh, learned Advocate for

the petitioner and learned Additional Public Prosecutor for the

State.

2. The petitioner seeks grant of regular bail in
connection with POCSO Case No. 25 of 2021 (I.A. No. 01/24)
arising out of Mahila P.S. Case No. 6 of 2021, registered for the
offences punishable under Sections 376/34 of the Indian Penal
Code and Section 4 of the Protection of Children from Sexual
Offences Act, 2012.

3. Based upon the written report, the prosecution
alleges that on 13.01.2021 at about 6:00 am., when the victim
was going to attend the call of nature, in the meantime, the



petitioner along with co-accused Vikash Pasi forcibly took her away to Ramgarh Mundeshwari, Bhagwanpur. It is further alleged that in the way this petitioner get off from the tempo whereupon co-accused Vikash Pasi took the victim to the house of the petitioner's sister and kept her there for three days and committed rape upon her.

4. Learned Advocate for the petitioner referring to the narrations made in the FIR submitted that the allegation clearly suggests that the petitioner get off from the tempo in the way and it is co-accused Vikash Pasi who has committed wrong with her. The statement of the victim was also recorded under Section 164 Cr.P.C., wherein she has not whispered that it is the petitioner who has committed any wrongful act or even misbehaved. It is next contended that co-accused Vikash Pasi was put to trial and he has been acquitted from all the charges vide judgment dated 18.04.2023 passed by the learned Special Judge, POCSO Court-cum-Additonal Sessions Judge-VI, Kaimur, copy of which has been marked as Annexure-3 to the petition. It is lastly contended that now the petitioner has been incarcerated since 25.07.2023.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that there



is material available on record suggesting the complicity of the petitioner that the victim was taken to the house of the sister of the petitioner where she was kept confined and co-accused Vikash Pasi has committed rape upon her.

6. Regard being had to the submissions made on behalf of the parties and considering the statement of the victim recorded under Section 164 Cr.P.C. wherein no allegation of any wrongful act or misbehave has been levelled against the petitioner, coupled with the fact that co-accused Vikash Pasi against whom the entire allegation has been levelled has been acquitted from the Trial Court and now the petitioner has been incarcerated since 25.07.2023, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, POCSO Act-cum-A.D.J.-VI, Kaimur at Bhabhua in connection with POCSO Case No. 25 of 2021, arising out of Mahila P.S. Case No. 6 of 2021, subject to the condition that one of the bailors shall be the own/close family members of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.



(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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