

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31475 of 2024

Arising Out of PS. Case No.-128 Year-2023 Thana- LAURIA District- West Champaran

Abhay Prakash S/O Rambihari Mahato, R/O Village- Anjua, PS- Shikarpur,
District- West Champaran, Bettiah.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Rajesh Kumar, Advocate Mr. Manoj Kumar, Advocate Mr. Praveen Kumar, Advocate Mr. Rohit Kumar, Advocate
For the Opposite Party	:	Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 28-08-2024 Heard Mr. Rajesh Kumar, the learned counsel for
the petitioner and Mr. Jagdhar Prasad, the learned Additional
Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since
19.05.2023, in connection with Lauriya P.S. Case No. 128 of
2023, FIR dated 19.05.2023, registered for the offences
punishable under Section 376 of the Indian Penal Code and
under Sections 4, 6 and 8 of POCSO Act.

3. Earlier the petitioner has moved before this
Hon'ble Court in Cr. Misc. No. 56818 of 2023, which was
rejected vide order dated 14.09.2023. Thereafter, the petitioner
again moved before this Hon'ble Court in Cr. Misc. No. 25305
of 2024, which was dismissed as withdrawn with a liberty to



move a fresh application before the learned trial Court vide order dated 27.03.2024.

4. According to the prosecution case, one Abhay Prakash established physical relationship with the minor daughter of the informant due to which she became pregnant.

5. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case and he has not committed any offence as alleged in the FIR. He further submits that trial has begun in the present case and the statement of the victim was recorded in the trial and deposition of the victim has also been annexed as well. He further submits that it appears from the statement of the victim that she has turned hostile, moreover, she has not even identified the accused person (petitioner). He further submits that the father of the victim, who happens to be the informant in the present case, was examined on 16.07.2024 and he has also turned hostile. He lastly submits that in view of the aforesaid submissions, the petitioner may be enlarged on bail and the petitioner is in custody since 19.05.2023.

6. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two



criminal antecedent other than the present one. However, he fairly admits on the basis of paragraph no. 3 of the bail petitioner that petitioner is on bail in the pending matters.

7. Considering the aforesaid facts and circumstances, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty-Five Thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional District & Session Judge-VII-cum-Special Judge POCSO, West Champaran, Bettiah, in connection with **Lauriya P.S. Case No. 128 of 2023**, subject to the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). 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.

(iii). And further condition that the learned trial Court 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 learned trial Court 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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