

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36451 of 2024

Arising Out of PS. Case No.-235 Year-2023 Thana- RAXAUL District- East Champaran

Prakash Kumar Sharma Son of Badri Sharma, Resident of Village - Ratanpur,
P.S. - Karjain, District - Supaul.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Madhurendra Kumar, Advocate
For the Opposite Party : Mr. Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 14-08-2024 Heard Mr. Madhurendra Kumar, the learned
counsel for the petitioner and Mr. Binay Krishna, the learned
Special Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Raxaul PS Case No. 235 of 2023, FIR dated
14.05.2023, registered for the offences punishable under
Sections 323, 328, 342, 370(A), 386, 376(3) and 506 read with
Section 34 of the Indian Penal Code and under Section 4 and 6
of POCSO Act read with Sections 3(2)(Va) and 3(1)(w)(i)(ii) of
the SC/ST Act.

3. According to the prosecution case, an employee of
a company working in cahoots with co-accused persons, tricked
the minor daughter of the informant under the pretext of giving
her job in marketing and took Rs. 3000/- (Rupees three



thousand) from her and thereafter, assaulted her and demanded Rs. 12,000/- (Rupees twelve thousand) for setting her free.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that the victim and other girls have been recovered and their statements were recorded under Section 164 of the Cr.P.C. and from bare perusal of the statements of the victim girls recorded under Section 164 of Cr.P.C., it appears that they have not stated anything about the petitioner and they have not stated anything about sexual assault against them. He lastly submits that the co-accused persons namely, Inamul Ansari and Sanjeet Kumar have been granted the privilege of anticipatory bail by this Court vide order dated 09.10.2023 passed in Cr. Misc. No. 49922 of 2023.

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

6. Considering the aforesaid facts and circumstances and mainly the facts that petitioner has clean antecedent, there is no specific allegation against the petitioner and the victim has



not stated anything against the petitioner in her statement recorded under Section 164 of the Cr.P.C. and the co-accused persons have been granted the privilege of anticipatory bail, let the petitioner, above-named, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory 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 , where the case is pending in connection with **Raxaul PS Case No. 235 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also 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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