

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36005 of 2024

Arising Out of PS. Case No.-61 Year-2022 Thana- GHORASAHAN District- East
Champaran

=====

Ajay Kumar @Abhishek Kumar Son of Birendra Rai, Village- Kaswa
Kadamwa, PS- Ghorasahan, Dist- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-07-2024 Heard Mr. Abhishek Kumar, the learned counsel for

the petitioner and Mr. Raj Ballabh Singh, the learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in

connection with Ghorasahan PS Case No. 61 of 2022, FIR dated

10.02.2022, registered for the offences punishable under

Sections 341, 323, 324, 325, 354(B), 379 and 504 read with

Section 34 of the Indian Penal Code and under Section 8 of the

POCSO Act.

3. According to the prosecution case, accused persons

namely, Rupesh Kumar and Pramod Yadav forcibly took the

niece of the informant to their house and when the informant

and his family members came to rescue her, they were assaulted



by the co-accused persons. It is further alleged that one Ratnesh Yadav assaulted Ramesh Kumar by means of iron-rod causing serious head injury, Birendra Rai assaulted the informant with dab due to which he fell down on the ground and Awadhesh Kumar snatched Rs. 3000/- (Rupees three thousand) from the pocket of the informant, Saraswati Devi, Geeta Devi and Savitri Devi snatched the silver hasuli of Urmila Devi worth Rs. 12000/- (Rupees twelve thousand).

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 as per allegation in the FIR, the petitioner along with other co-accused persons has assaulted the informant and his family members. He further submits that the petitioner has assaulted to the informant Hari Rai, but the injury report of Hari Rai suggests that injury is simple in nature. He lastly submits that co-accused persons namely, Ratnesh Yadav and Birendra Rai have been granted the privilege of anticipatory bail by this Court vide order dated 12.12.2022, passed in Cr. Misc. No. 41519 of 2022.

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, injury report of the injured person suggests that injury is simple in nature and other similarly situated 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 6th Additional Sessions Judge-cum-Special Judge, POCSO Act, Motihari, East Champaran, where the case is pending in connection with **Ghorasahan PS Case No. 61 of 2022**, 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)

Shahnawaz/-

U		T	
---	--	---	--

