

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36856 of 2024

Arising Out of PS. Case No.-640 Year-2023 Thana- MAHUA District- Vaishali

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Rakesh Rasia @ Rakesh Kumar SON OF LATE JAI LAL RAI @ JAY LAL
RAY village- Gorigama PS- Mahua District -Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. SURESH RAI SON OF LATE CHANDRADEEP RAI VILLAGE-
GORIGAMA, PS- MAHUA, DIST- VAISHALI

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bela Singh, Adv.

For the Opposite Party/s : Mr.Rina Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 26-07-2024 Heard learned counsel for the petitioner, learned
A.P.P. for the State and counsel for the informant.

2. The petitioner seeks regular bail in connection with
Mahua P.S. Case No.640 of 2023 (POCSO G.R. No.10 of 2024)
lodged under Sections 363, 365/34 of the I.P.C. read with
section 8, 12 and 17 of the POCSO Act.

3. As per the prosecution case, the F.I.R. has been
lodged against three named accused persons including the
petitioner against whom there is allegation that they in
connivance with each other have kidnapped the daughter of the
informant and she has not recovered till dated, and therefore,
case has been lodged.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He submits that prior to this F.I.R., another F.I.R. was also filed by the informant against the same accused persons in which he has contested the trial being Sessions Trial No.494 of 2021 and he was acquitted on 25.04.2024 arising out of Mahua P.S. Case No.499 of 2020.

5. Counsel further submits that the daughter of the informant who has alleged to be the victim, has affidavited the present bail application alleging that the petitioner is innocent and she is basically married with him and living separately.

6. Counsel further submits that one application which is Annexure-P/3 has also been filed by the victim in which she has disclosed everything including the action done by her father who was opposing this relation.

7. Counsel for the petitioner submits that petitioner is in custody since 01.10.2023 having one criminal antecedent filed by the same informant with same allegation in different date in which he has been acquitted. Counsel also submits that the petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him.

8. Learned counsel for the State opposes the prayer



for bail.

9. Learned counsel for the informant vehemently opposes the prayer for bail and submits that the daughter of the informant could not recovered till date.

10. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-VI cum Exclusive Special Judge, POCSO, Vaishali at Hajipur in connection with Mahua P.S. Case No.640 of 2023 (POCSO G.R. No.10 of 2024), subject to the following conditions as laid down under Section 437(3) of Cr.P.C.

(Dr. Anshuman, J.)

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