

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52850 of 2024

Arising Out of PS. Case No.-674 Year-2023 Thana- GHOSI District- Jehanabad

Pushkar Kumar Son of Ramesh Bind R/o Mohalla - Horil Bagicha, P.S.- Ghosi, District - Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Karaily Devi Wife of Ashok Bind R/O vill.- Horil Bagicha, P.S.- Ghosi, District - Jehanabad.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Anand, Advocate

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

5 17-12-2024 Heard learned counsel for the petitioner and learned APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Ghoshi P.S. Case No. 674 of 2023 instituted for the offences under Sections 302, 376, 34 of the Indian Penal Code and Section 4 of the POCSO Act.

3. Allegation against the accused persons including the petitioner is of sexually exploiting the informant's daughter and thereafter, commission of her murder.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Learned counsel further submitted that petitioner is innocent and



has committed no offence as alleged in the FIR. Learned counsel further submitted that, as per material available in the case diary, several independent witnesses have not supported the case of the prosecution and, as a matter of fact, the victim herself committed suicide and, thereafter, the informant falsely implicated the accused persons in the concocted story of commission of murder of the deceased. Learned counsel next submitted that police after investigation submitted charge-sheet under Section 306 of the Indian Penal Code and Section 12 and 17 of the POCSO Act. It has been submitted on behalf of the petitioner that the petitioner is in custody since 28.05.2024 and has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Ghoshi P.S. Case No. 674 of 2023, subject to the following conditions:



(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) 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.

(Rudra Prakash Mishra, J)

Alok Verma/-

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