

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63893 of 2024

Arising Out of PS. Case No.-75 Year-2022 Thana- MAHILA PS District- Gaya

Bhola Yadav @ Prmanand Kumar @ Parmanand Kumar S/o Shambhu Yadav,
R/o village - Vikram Bigha, P.S. - Belaganj, Distt. - Gaya.

... .. Petitioner

Versus

1. The State of Bihar.
2. Shila Devi W/o Nand Lal Manjhi, R/o Village - Mubarkpur, P.S. - Belaganj,
Distt. - Gaya.

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Aryan Singh, Advocate
For the Opposite Party	:	Ms. Usha Kumari 1, Spl. PP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 06-09-2024 Heard Mr. Aryan Singh, the learned counsel for the petitioner, the learned counsel appearing on behalf of the informant and Ms. Usha Kumari 1, the learned Special Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since 31.08.2022, in connection with Gaya Mahila P.S. Case No. 75 of 2022, FIR dated 30.08.2022, registered for the offences punishable under Sections 376, 376(A)(B) and 313 of the Indian Penal Code, under Sections 4 and 6 of the POCSO Act and also under Sections 3(i)(r)(s)(w)(i), 3 and 2(v-a) of the Schedule Caste and Schedule Tribes (PoA) Act.

3. Earlier the petitioner has moved before this



Hon'ble Court in Cr. Misc. No. 74121 of 2022, which was rejected vide order dated 22.06.2023. Thereafter, the petitioner has again moved before this Hon'ble Court for grant of regular bail in 9258 of 2024, which was allowed vide order dated 27.03.2024 and in the said bail petition, it was mentioned that petitioner has fair and clean antecedent, however, at the time of furnishing the bail bond, the learned trial Court found that petitioner carries two criminal antecedents other than the present one, consequently, the learned trial Court did not accept the bail bond of the petitioner. Thereafter, the petitioner filed one modification petition in Cr. Misc. No. 44019 of 2024 for modification of the order dated 27.03.2024, which was dismissed as withdrawn with a liberty to the petitioner to move before the learned trial Court.

4. According to the prosecution case, while the informant was at her *sasural*, her daughter-in-law namely, Sunita Devi took informant's minor daughter at her house for cleaning pots. It is further alleged that when Sunita Devi was out of her house for some work, the petitioner, who was sleeping in the same house, committed rape upon the minor daughter of the informant. It is further alleged that informant's minor daughter became pregnant and the petitioner took her at



Belaganj, where her pregnancy was terminated.

5. The learned counsel for the informant and the learned Special 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 antecedents other than the present one.

6. Considering the facts and circumstances of the case as well as the report of the learned trial Court, which was called in Cr. Misc. No. 9258 of 2024 dated 27.03.2024, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Special Judge POCSO Court-cum-Additional District & Sessions Judge-VI, Gaya, in connection with **Gaya Mahila P.S. Case No. 75 of 2022**, 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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