

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67485 of 2024

Arising Out of PS. Case No.-133 Year-2024 Thana- BANKA District- Banka

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Gaurav Kumar Singh @ Gaurav Kumar Son of Virendra Singh Resident of
Village - Karnawe, P.S and District -Banka

... .. Petitioner/s

Versus

1. The State of Bihar
2. Phulan Devi Wife of Deepak Kumar Singh @ Deepak Kumar, Daughter of
Upendra Singh Resident of Village - Sabalpur, P.S. - Panjwara, District -
Banka

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Brij Nandan Prasad, Advocate
For the Informant	:	Mr. Praveen Kumar, Advocate
For the State	:	Mr. Lalan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-10-2024 Heard Mr. Brij Nandan Prasad, learned counsel for
the petitioner, Mr. Praveen Kumar, learned counsel for the
Informant and Mr. Lalan Kumar, learned APP for the State.

2. The petitioner is apprehending his arrest in
connection with Banka P.S. Case No. 133 of 2024, F.I.R. dated
01.04.2024 registered for the offences punishable under
Sections 376/511, 341, 323, 504, 506/34 of the Indian Penal
Code and Section 8 of the POCSO Act.

3. Allegation against the petitioner is that he tried to
commit rape with the informant's minor daughter.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely



implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that due to village politics the petitioner has been falsely implicated in the present case and the police after investigation and it is submitted by Dy. S.P. that the case is only made out under Section 354(B) of the Indian Penal Code and the police has not found the case true under Section 376 and other Sections as well as 8 of the POCSO Act.

5. Learned counsel for the Informant as well as learned APP for the State, on the other hand, opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner is named in the F.I.R. and he has entered into the house of the victim with bad intention.

6. Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-6-cum-Special Judge, POCSO, Banka in connection with Banka P.S. Case No. 133 of



2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below 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 court below 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.

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(Rajesh Kumar Verma, J)

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