

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9258 of 2024

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

Bhola Yadav @ Pramanand Kumar Son of Shambhu Yadav, R/O Village -
Vikram Bigha, Police Station - Belaganj, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aryan Singh, Advocate

For the Opposite Party/s : Ms. Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-03-2024 Heard Mr. Aryan Singh, the learned counsel for the

petitioner and Ms. Usha Kumari 1, the learned Additional Public

Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since
31.08.2022, in connection with Mahila P.S. Case No. 75 of 2022,
FIR dated 30.08.2022, registered for the offences punishable under
Sections 376, 376 (AB) and 313 of the Indian Penal Code and
under Sections 4 and 6 of the POCSO Act and under Section 3(1)
(r)(s)(w)(i)(2)/3/2(v-a) of the SC/ST (Prevention of Atrocities) Act.

3. Earlier the petitioner has moved before this Court for
grant of regular bail in Cr. Misc. No. 74121 of 2022, which was
rejected vide order dated 22.06.2023.

4. According to the prosecution case, one Bhola Yadav
committed rape on the daughter of the informant and when she
became pregnant, he forced her to abort the fetus. It is further



alleged that he also threatened the informant's daughter with dire consequences if she discloses about the incident.

5. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case.

6. Vide order dated 09.02.2024, a report was called for with regard to the stage of trial and the report of learned trial Court dated 06.03.2024 reveals that charge has been framed against the petitioner on 21.03.2023 and case is pending for the examination of all six prosecution witnesses and till date none of them have been examined.

7. Learned counsel for the petitioner submits that in view of the report of the learned trial Court, there is no chance of early conclusion of the trial in near future and the petitioner is in custody since 31.08.2022.

8. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

9. Considering the aforesaid facts and circumstances and the report of the learned trial Court and also the custody period of the petitioner, 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 **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 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.

(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 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.

(Rajesh Kumar Verma, J)

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