

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.5146 of 2025**

Arising Out of PS. Case No.-173 Year-2024 Thana- KHIRI MORE District- Patna

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Jitendra Kumar Son of Akhilanand Yadav Resident of Village- Madhwan, PS-  
Paliganj, Distt.- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Victim X D/O- Ram Binay Singh Resident of Village- Fatehpur, P.S.-  
Piyarpur (Khiri More), Dist.- Patna

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Dharendra Kumar Sinha, Advocate  
For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      15-02-2025                      Heard Mr. Dharendra Kumar Sinha, learned counsel for  
  
the petitioner and Mr. Surendra Prasad Singh, learned APP for the  
  
State.

2. The petitioner is apprehending his arrest in  
connection with Special (POCSO) Case No. 242 OF 2024 arising  
out of Khiri More (Piyarpura) P.S. Case No. 173 of 2024, F.I.R.  
dated 03.09.2024 registered for the offences punishable under  
Sections 65, 89, 61(2), 3(5) of BNS Act and Section 4 of the  
POCSO Act.

3. Allegation against the petitioner is that he has  
received Rs. 5,000/- from one Bittu Kumar for abortion of the  
victim.

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 from perusal of the F.I.R. it appears that only allegation against the petitioner is that he has received Rs. 5,000/- from one Bittu Kumar who is a prime accused in the present case. Learned counsel for the petitioner further submits that in fact the petitioner has not received any amount from Bittu Kumar and the victim got his treatment at Sadar Hospital, Arwal and the petitioner has no concern at all with the alleged occurrence and he has been made accused in the present case merely on the basis of suspicion.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid 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 VIIth-cum-Special Judge, POCSO, Patna in connection with Special (POCSO) Case No. 240 of 2024 arising out of Khiri More (Piyarpura) P.S.



Case No. 173 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 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.

**(Rajesh Kumar Verma, J)**

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