

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4821 of 2025

Arising Out of PS. Case No.-575 Year-2024 Thana- JAHANABAD District- Jehanabad

Vikash Kumar S/o- Sudhir Yadav Resident Of Village- Kajipur Tali, Ps-
Jehabad Kalpa OP, Dist- Jehanabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. Smt. Usha Devi W/o- Rakesh Kumar Village- Bazar Tali Ps- Jehanabad
Kalpa OP Dist- Jehanabad

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nityanand Neeraj, Advocate

For the Opposite Party/s : Mr.Anil Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

5 02-07-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in a case registered for the
offences under Section 376 of I.P.C. and Section 4/6 of POCSO
Act.

3. As per the prosecution case, the informant has
alleged that the petitioner has forcefully entered the house of the
victim and raped her and also made a video and used to
blackmail and threaten her to make the said video viral.
Subsequently, it was found that the victim was pregnant and
then she disclosed the fact that the petitioner had committed
rape.



4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case alleging rape, however no such incident had occurred and the petitioner and the daughter of the informant were in love. Learned counsel further submits that the medical board constituted to examine the victim has opined that the age of the girl was between 18 to 19 years. Learned counsel next submits that the accused-petitioner was also not examined as per the provisions of the POCSO Act. Learned counsel further submits that despite notices having been sent to the O.P. No. 2, nobody has appeared in this case. It is lastly submitted that admittedly the FIR was lodged after three months and two days of delay as an afterthought and the petitioner has clean antecedent and is in custody since 17.08.2024.

5. Learned APP for the State has opposed the prayer for bail of the petitioner and submits that there is serious allegation against the petitioner, who has committed rape upon a minor girl and it has been submitted that the case was found to be true and finally the charges have also been framed on 20.12.2024 though till date none of the prosecution witnesses have been examined.

6. Considering the aforesaid facts and circumstances



of the case and taking into account the fact that the charges have already been framed and the petitioner is in custody for almost one year, let the petitioner above-named be enlarged 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 the learned court below where the case is pending/successor court in connection with Jehanabad (kalpa O.P.) P.S. Case No. 575/2024 (in POCSO Case No. 99/2024) subject to the conditions :-

- a. One of the bailors of the petitioner shall be his close relative.
- b. The petitioner shall remain physically present in Court on each date of the trial.
- c. The petitioner shall not approach the informant or any of the family members or the victim girl to either coerce or threaten during the pendency of the trial.
- d. In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.
- e. 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 afore-mentioned order shall not be delayed for purpose of or in the name of verification.

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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