

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.11581 of 2025

Arising Out of PS. Case No.-3 Year-2024 Thana- MAHILA P.S. District- Kaimur (Bhabua)

Avinash Kumar Patel @ Vicky Singh @ Vicky Son of Naumi Singh Resident
of Village- Darawali, PS- Bhabhua, Distt.- Kaimur Petitioner/s
Versus

1. The State of Bihar
2. Kajal Kumari D/o- Ramanand Gupta R/o- VIP Colony, Ward No. 02, Gali
No. 03, P.s.- Bhabhua, Distt.- Bhabhua
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aquaib Khan, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 27-06-2025 Heard Mr. Aquaib Khan, learned counsel for the
petitioner and Mr. Umesh Lal Verma, learned Additional Public
Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
16.10.2024 in connection with Mahila P.S. (Bhabhua) Case No.
03 of 2024, F.I.R. dated 18.01.2024 for the offences punishable
under Sections 363, 354, 354A, 366A/34 of the Indian Penal
Code and Sections 8/12 of the POCSO Act.

3. According to prosecution case, this petitioner along
with two other accused persons forcibly made the victim to sit
inside the car and molested her and also threatened to kill her.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been 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 offences as alleged in the F.I.R. He further



submits that the from perusal of the FIR it appears that the informant (victim) has categorically stated that the co-accused, Sonu Singh has committed the present crime in question along with the other accused persons but the informant has not stated anything about the petitioner. He further submits that the statement of the victim recorded under Section 164 of the Cr.P.C. / Section 183 of the BNSS in which she has not stated the name of the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 16.10.2024.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is named in the FIR and apart from that the petitioner carries one criminal antecedent other than the present one.

6. Considering the aforesaid facts and circumstances that the victim has not stated anything about the petitioner in her statement recorded under Section 164 of the Cr.P.C. / Section 183 of the BNSS, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, POCSO Act-cum-Additional



Sessions Judge-VI, Kaimur at Bhabhua in connection with Mahila P.S. (Bhabhua) Case No. 03 of 2024, 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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