

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30365 of 2025

Arising Out of PS. Case No.-507 Year-2024 Thana- RAJGIR District- Nalanda

Akhileshwar Prasad @ Akhilesh Prasad S/o Late Ramswarath Prasad
Resident of village - Dumri, Police Station - Rajgir, Distt.- Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gauri Devi W/o Pintu Rajak R/o vill - Dhobi Tola, P.S.- Rajgir, Distt.- Nalanda

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Tooba Hera, Advocate
Mr. Pratyush, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 04-09-2025 Heard Ms. Tooba Hera, learned counsel for the
petitioner and Mr. Bharat Bhushan, learned APP

2. The petitioner is apprehending his arrest in connection with Rajgir P.S. Case No. 507 of 2024 for the offence under sections 65(1) and 3(5) of the BNS, Sections 4 and 6 of the POCSO Act and Section 3(2)(v) of the SC/ST Act lodged on 02.11.2024 by the informant, Gauri Devi.

3. As per the prosecution story, the informant alleged that her daughter, class 9th student of one of the school at Rajgir went to school. However, the allegation is that Sajjan Kumar locked her son in a classroom and he alongwith Seth Ji lured the informant's daughter, took her to a hotel where Seth Ji raped



her. As the informant's son came out of the classroom and could not find his sister, returned, narrated the story whereafter the FIR.

4. Learned counsel for the petitioner submits that they had no role to play in the matter, the girl went on her own, Seth Ji now has been granted bail and only because of criminal antecedent, he has been implicated.

5. In this case, the Coordinate Bench has called for the case dairy and the statement of the victim girl which is on record. The girl has stated that she went to the market with her friend on her own and when returned to school, the Police was informed, out of fear, she gave the name of the accused persons, they have not done anything and Seth Ji was her friend not her boyfriend.

6. Learned APP, Mr. Bharat Bhushan opposes the prayer submitting that FIR shows allegation against this petitioner.

7. Earlier, notice was issued to the opposite party no. 2 by the Coordinate Bench on 10.07.2025, the office notes dated 13.08.2025 shows that the ordinary notice has been received by the opposite party no. 2 personally. However, on call, there is no appearance.



8. Taking into account the submissions of the parties as also the aforesaid fact that the girl has made a statement under Section 183 of the BNSs that she went to the market on her own and further Seth Ji has been granted relief as submitted by the petitioners' counsel, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

9. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned 7th Additional Sessions Judge-cum-Special Court, POCSO, Bihar Sharif, Nalanda in connection with Rajgir P.S. Case No. 507 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;



(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

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