

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55205 of 2025

Arising Out of PS. Case No.-304 Year-2024 Thana- BIKRAM District- Patna

ASHOK KUMAR @ ASHOK RAJ Son of Parmanand Thakur Resident of
Village - Machchriyawan, Police Station - Fatuha, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jagdish Prasad Singh, Adv.

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 26-09-2025 Heard the parties.

2. The petitioner is in custody in connection with S.T. No. 645 of 2025 (Special POCSO Case No. 645.2025) arising out of Bikram P.S. Case No. 304 of 2024 for the offence punishable under Section 64 of the B.N.S., lodged on 27.07.2024 by the informant, Priyanka Devi.

3. As per the prosecution story, the informant alleged that the petitioner who happens to be the brother-in-law, in a drunken condition, caught hold off her, threw her on the ground and raped her. She informed that both her husband, who reside in Delhi as also mother-in-law did not support her, took her cousin to the police station and lodged F.I.R.

4. Earlier, the bail application of the petitioner was rejected on 12.12.2024 in Cr. Misc. No. 84721 of 2024 (Annexure-1 to the petition).

5. Earlier, the Trial Court Report was called for according to which, three out of six witnesses have been



examined.

6. Learned counsel for the petitioner has taken this Court to Annexure-3 to the petition to show that the informant/victim has denied the allegation of rape. The further submission is that he is in custody since 09.09.2024 and if granted bail, shall be diligently appearing in trial and will have no truck with the lady/victim.

7. Learned APP opposes the prayer for bail submitting that three out of six witnesses have been examined.

8. Considering the submissions of the parties as also that the petitioner has remained in custody since 09.09.2024, he has no criminal antecedent, an undertaking has been given that he shall be diligently appearing in trial, the aforesaid Annexure, as recorded above, shows that the lady-informant has not supported the prosecution story, in that background, this Court is inclined to extend him the privilege of bail with conditions.

9. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Exclusive Special Judge (Rape and POCSO Act), Patna, District-Patna in connection with S.T. No. 645 of 2025 (Special POCSO Case No. 645.2025) arising out of Bikram P.S. Case No. 304 of 2024 subject to the following conditions:



(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 even for a single date 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 six months to mark his attendance and at the end of the period, the certificate be submitted to the Court;

(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)

Vijay Singh/-

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