

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62532 of 2024

Arising Out of PS. Case No.-266 Year-2024 Thana- MAJHAULIA District- West Champaran

Suraj Kumar S/o Binod Ram R/o Vill -Ramnagar, Chhota Bankat Ward No. 7,
PS- Majhauliya, District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pinki Kumari D/o Nakhe Lal Ram R/o Chhota Bankat, ward no. 7, P.S. -
Majauliya, Distt. - West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-01-2025 Heard Ms Anjali Kumari, learned counsel for the

petitioner, learned counsel for the opposite party No.2 and

Mr.Manoj Kumar, learned Additional Public Prosecutor for

the State.

2. The petitioner is apprehending his arrest in
connection with Majhaulia P.S. Case No.266 of 2024, dated
16.04.2024 registered for the offences punishable under
Section 376 of IPC, Sections 4 and 6 of the POCSO Act.

3. Allegation against the petitioner is that he
committed penetrative sexual assault with the victim.

4. Learned counsel appearing for the petitioner
submits that the petitioner has clean antecedent. He has



falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. In fact the petitioner was in love with the victim and petitioner wants to marry with the victim and the family of the victim is not ready to marry with the petitioner and on the sole ground, the present FIR has been instituted against the petitioner. Further submits that the statement of the victim under Section 164 Cr.P.C. was recorded in which she has not supported the case of the prosecution.

5. Learned counsel for the informant and learned A.P.P. for the State have vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts, petitioner has clean antecedent and the victim has not supported the case of the prosecution in her statement under Section 164 Cr.P.C., 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 (Ten Thousand) with two sureties of the like amount each to the



satisfaction of learned Additional District and Sessions Judge-6th-cum-Special Judge, POCSO Act, Bettiah, West Champaran in connection with Majhauria P.S. Case No.266 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:-

(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/her absence on two consecutive dates without sufficient reason, his/her 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/her 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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