

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76109 of 2024

Arising Out of PS. Case No.-4 Year-2023 Thana- BANMANKHI District- Purnia

Dilkhush Kumar S/o Shivanand Yadav @ Shiv Narayan Yadav R/o Village-
Mohaniya Parwatta, Ward No.13, P.S.- Banmankhi, District- Purnea, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anita Devi W/o Upendra Yadav R/o Village- MohaniyaParwatta Tola, P.S.-
Banmankhi, District- Purnea, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shekhar Singh, Sr. Advocate Mr. Sumit Kumar, Advocate
For the State	:	Mr. Murli Dhar, APP
For the O.P. No. 2	:	Mr. Kushal Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 10-01-2025 Heard Mr. Shekhar Singh, learned Senior counsel for

the petitioner, Mr. Murli Dhar, learned APP for the State as well

as Mr. Kushal Kumar, learned counsel for the Informant.

2. Petitioner seeks bail, who is in custody since
27.05.2024, in connection with Banmankhi P.S. Case No. 04 of
2023, F.I.R. dated 05.01.2023 registered for the offences
punishable under Sections 376, 323, 504/34 of the Indian Penal
Code and Sections 4 and 8 of the Prevention of Children from
Sexual Offences Act.

3. Allegation against the petitioner is that he has taken
away the victim to Jaipur with the promise of marriage with her
in Jaipur temple.



4. Learned Senior counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely 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 offence as alleged in the F.I.R. He further submits that the victim was recovered and her statement under Section 164 of the Cr. P.C. was recorded. Although the victim has stated that the petitioner was involved in the present crime in question but she has not stated anything about the petitioner of physical relation with the victim and on the same set of allegation co-accused Mantosh Kumar @ Vikash Kumar has been granted bail by this Court vide order dated 28.08.2024 passed in Cr. Misc. No. 77751 of 2023. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 27.05.2024.

5. The learned Additional Public Prosecutor for the State as well as learned counsel for the Informant, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that the victim has stated in her 164 statement that the petitioner was involved in the present crime in question.

6. Considering the aforesaid facts and circumstances



of the case and the fact that the petitioner having clean antecedent and there is no allegation against the petitioner about the physical assault and apart from that co-accused person namely Mantosh Kumar @ Vikash Kumar has been granted bail by this Court, let the petitioner, above named, be released 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 learned Vith Additional Sessions Judge-cum-Special Judge (POCSO), Purnea in connection with Banmankhi P.S. Case No. 04 of 2023, subject to the following conditions :-

(1) 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.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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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