

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84425 of 2024

Arising Out of PS. Case No.-425 Year-2024 Thana- DINARA District- Rohtas

Durgesh Kumar S/O Shiv Mandir Singh R/O Village- Akoraha, P.S- Dinara,
District- Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar

2. Lalu Prasad NA R/O Village- Bhatpurwa, PS - Dinara, Dist- Rohtas

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Adv.

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

For the O.P. No.2 : None

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

3 27-02-2025 Heard learned counsel for the petitioner and learned

APP for the State. No one appears for the O.P. No.2 but, learned

counsel for the State states that pursuant to the order of this

Court, he has already informed the Informant through S.H.O. of

the police station concerned.

2. Perused the case diary.

3. The petitioner seeks bail in connection with Dinara

P.S. Case No. 425 of 2024 instituted for the offences under

Sections 74/115(2)/352/75/3(5) B.N.S. and Section 8/12 of the

POCSO Act.

4. As per prosecution case, the allegation against the

accused persons including the petitioner is of misbehaving with

the minor victim girl as also assaulting and threatening her.



5. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case with false and frivolous allegations due to enmity and grudge. The petitioner has not committed any offence as alleged in the F.I.R. He further submits that the petitioner has been implicated in this case with an oblique motive and malafide intention merely because of his being the owner of the Medical shop. The medical report does not support the prosecution case as the doctor has not found any external injury on the body of the victim. The petitioner has no criminal antecedent and is languishing in judicial custody since 09.10.2024 without any rhyme or reason.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature. He further submits that the victim girl in her statements recorded under Sections 180 and 183 of the B.N.S. has supported the prosecution case. The witness in Para-8 of the case diary has supported the prosecution case. The Investigating Officer after completion of investigation has submitted charge-sheet under Sections 74/115(2)/352/75/3(5) B.N.S. and Section 8/12 of the POCSO Act. The petitioner is named in the F.I.R.



and, hence, he does not deserve bail.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case, the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Dinara P.S. Case No. 425 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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