

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87123 of 2024

Arising Out of PS. Case No.-97 Year-2024 Thana- LAKHAURA District- East Champaran

Rajan Bhagat S/O Uman Bhagat R/O Village- Innarwa Phoolwar, P.S-
Lakhaura, Distt.- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ashok Mishra S/O Late Srinarayan Mishra R/O Village- Innarwa Phoolwar,
P.S- Lakhaura, Distt.- East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 18-03-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Lakhaura P.S. Case No. 97 of 2024 instituted for the offences
under Sections 137(2), 96, 76, 64, 62 of the Bharatiya Nyaya
Sanhita, 2023 and Section 8 of the POCSO Act.

3. Accusation against the petitioner is that he tried to
commit rape upon the informant's daughter.

4. Learned counsel for the petitioner submitted that the
petitioner is innocent and has falsely been implicated in the
present case. Learned counsel further submitted that initially,
FIR was registered under Sections 137(2), 96, 76, 64, 62 of the



Bharatiya Nyaya Sanhita, 2023 and Section 8 of the POCSO Act however, police after investigation submitted charge-sheet under Sections 137(2), 76 of the BNS and Section 8 of the POCSO Act. It has been submitted on behalf of the petitioner that the petitioner is in custody since 13.08.2024 and has one criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, the charge-sheet being submitted under Sections 137(2), 76 of the BNS and Section 8 of the POCSO Act as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner 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 Lakhaura P.S. Case No. 97 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two



consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) 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.

(Rudra Prakash Mishra, J)

Alok Verma/-

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