

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87631 of 2024

Arising Out of PS. Case No.-679 Year-2023 Thana- DANAPUR District- Patna

Vikash Kumar S/o Dhanman Rai @ Dhanman Ray, Resident of Village - Kali
Asthan, P.S.- Danapur, District- Patna.

... .. Petitioner

Versus

1. The State of Bihar.
2. Aditya Kumar S/o Lal Babu Rai, R/o Kali Asthan, Pethiya Bazar Bangla,
P.s.- Danapur, Distt.- Patna.

... .. Opposite Party

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-01-2025 Heard Mr. Manoranjan Kumar, the learned counsel

for the petitioner and Mr. Md. Ataur Rahman, the learned

Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since

30.08.2024, in connection with Special Case No. 140 of 2023,

arising out of Danapur P.S. Case No. 679 of 2023, FIR dated

20.05.2023, registered for the offences punishable under Sections

354A, 354, 376 and 511 of the Indian Penal Code and under

Sections 8 and 12 of POCSO Act.

3. According to the prosecution case, the accused

Vikash Kumar tried to commit rape upon the minor daughter of the

informant.

4. Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that from bare perusal of the FIR, it is evident that petitioner has not committed anything wrong with the victim and the only allegation against the petitioner is that he had tried to commit rape upon the victim and the same fact was supported by the victim in her statement recorded under Section 164 of the Cr.P.C. He lastly submits that the police after investigation has submitted the charge sheet against the petitioner and the petitioner is in custody since 30.08.2024.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, the nature of allegation levelled in the FIR and the statement of victim recorded under Section 164 of the Cr.P.C., let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VII-cum-Special Court (POCSO), Patna, in connection with **Danapur P.S. Case No. 679 of 2023**, subject to the following conditions:



(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(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 learned trial Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the learned trial Court 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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