

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39971 of 2018

Arising Out of PS. Case No.-263 Year-2017 Thana- TARAIIYA District- Saran

Rupesh Rai @ Rupesh Kumar, Son of Sri Yogendra Rai, Resident of Village-
Harakhpura, Police Station- Taraiya, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kumar Yadav
For the Opposite Party/s : Mr. Sri Kanhaiya Kishore

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 01-08-2018 Heard learned counsel for the petitioner and learned APP
for the State.

Petitioner apprehends his arrest in Taraiya P.S. case no
263 of 2017 instituted for the offence under Section(s) 376/34
of the Indian Penal Code and Section 4/6 of POCSO Act and
Section 67(A) of I.T. Act.

Learned counsel for the petitioner has submitted that in
the written report there is specific allegation against co accused
Rahul Kumar and Bittu Kumar of committing illegal act with
the victim girl and preparing video from mobile. The victim



girl has given her statement under Section 164 Cr. P.C. which is annexed as Annexure-2 to the bail petition, wherein, she has levelled specific allegation against co accused Rahul Kumar and Bittu Kumar. She has not taken the name of this petitioner in her statement recorded under Section 164 Cr. P.C. The name of this petitioner has come in the confessional statement of co accused Bittu Kumar.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with Taraiya P.S. case no 263 of 2017, corresponding to POCSO case no. 1/2018 he shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ADJ 1st, Saran at Chapra-cum- Special Court, Saran at Chapra, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions:(1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason



will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

shyambihari/-

U		T	
---	--	---	--

