

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6203 of 2020

Arising Out of PS. Case No.-94 Year-2017 Thana- KOTWALI District- Munger

RAJIV KUMAR RAJAK @ RAJIV KUMAR Son of Shri Krishna Rajak
Resident of Village/Muhalla - Mirchi Talab (Dhobi Tola), P.S - Kotwali,
District – Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjiv Kumar Singh

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 03-07-2020

Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the offence punishable under Sections 363, 366A, 34, 376 of the Indian Penal Code and Section 3/6 of POCSO Act.

Allegation against the petitioner is of kidnapping the sister of the informant and committing rape with her.

Earlier also, petitioner had moved this Court twice for grant of regular bail which were rejected vide Annexure 1 and Annexure 1/1.

It has been submitted on behalf of the petitioner that he is innocent and has falsely been implicated in this case due to ulterior motive of the informant. It has further been submitted that victim is major and she willingly accompanied petitioner and no case of abduction, inducement or enticement is made out



against him. There is much contradiction in deposition of victim made during trial arising out of Kotwali P.S. Case No.94/2017 and 94A/2017 for same offence. No act was committed without her consent and against her will.

Informant has deposed that victim who is her sister had gone with petitioner out of her own volition. Even in FIR, informant has alleged that his sister (victim) has been enticed away by petitioner. Medical Board assessed age of victim about 17 years. Petitioner has no criminal antecedent and he is in custody since 20.03.2017, i.e., more than 3 years.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Kotwali P.S. Case No. 94 of 2017 with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) 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 his absence on two consecutive dates without sufficient reason, his bail bond



shall be cancelled by the court below.

(3) If the 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.

(S. Kumar, J)

Sanjay/-

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