

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18086 of 2020

Arising Out of PS. Case No.-153 Year-2016 Thana- MANER District- Patna

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LALOO RAI @ SHRAWAN KUMAR S/o Damodar Rai Resident of Village-
Dost Nagar Balwant Tola, P.S.- Maner, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoranjana Kumar

For the Opposite Party/s : Mr.Pranav Kumar

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 15-06-2020

The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.

Heard learned counsel for the petitioner and learned counsel for the State.

Petitioner, who is in custody, seeks bail in a case registered for the offence punishable under Sections 376, 511 of the I.P.C. and U/s 4 of POCSO Act.

Informant is the father of victim, who in his written complaint has alleged that on 28.03.2016 at about 10:00 AM his minor daughter Pinki Kumari had gone outside to attend the call of nature, petitioner alongwith other co-accused teased her and also tried to commit rape upon her.

It has been submitted on behalf of petitioner that



petitioner is not named in the FIR. His name has transpired in this case on the basis of re-statement of informant. It has been further submitted that occurrence took place on 28.03.2016 but FIR was lodged on 02.04.2016 after delay of 5 days without any explanation. The statement of the victim girl has been recorded under Section 164 of Cr.P.C. in which she has not named the petitioner. There is specific allegation against co-accused Akhilesh Rai who has already been granted bail by this Hon'ble Court as contained in Annexure-3. Petitioner has no criminal antecedent and is in custody since 04.01.2020.

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/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned court below, in connection with Special Case No. 46A of 2016 subject to the conditions that:-

(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 his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.

(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)

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