

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24035 of 2020

Arising Out of PS. Case No.-85 Year-2020 Thana- PARSA District- Saran

Raju Rai Son of Surendra Rai Resident of Village- Parsauna, P.S.- Parsa,
District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sharma
For the Opposite Party/s : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 04-11-2020 Heard learned counsel for the petitioner as well as
learned A.P.P. for the State through video conferencing.

The petitioner seeks bail in Parsa P.S. Case No. 85 of
2020, registered for the offence under Section 376 (G) of the
Indian Penal Code, Section 4/6 of POCSO Act and Sections
3(i)w(i), 3(2)(v) of SC/ST (POA) Act.

As per the prosecution case, on 31-03-2020 at 13.00
o'clock, informant's niece with two other girls had gone for
easing. In the meantime, this petitioner alongwith two co-
accused came there and asked the victim to come in pit, which
was refused by her, and thereafter, this petitioner is alleged to
have tied the mouth of victim and torn her cloth and thereafter,
committed rape with her. It is alleged that other two co-accused
were keeping watch on others, while the petitioner was



committing rape with the victim.

It is submitted on behalf of petitioner that petitioner and informant are residing in same village and due to previous enmity, petitioner has been falsely implicated in this case. It is further submitted that police, after investigation and considering the medical report as well as statement of the victim girl recorded under Section 164 Cr.P.C., has submitted chargesheet under Section 376/511 of the Indian Penal Code, Section 8 of the POCSO Act and Section 3(i)(w)/3(2)(va) of SC/ST Act. It is further submitted that in the injury report, the doctor has assessed the age of victim girl between 16 to 17 years and has not found any evidence of sexual assault. The petitioner is in custody since 01-04-2020 and has no criminal antecedent, as stated in paragraph – 3 of the petition.

Considering the aforesaid facts and circumstances, the bail application of petitioner is allowed. Let the above-named 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 learned Additional Sessions Judge 1st cum Special Judge, SC/ST Act, Saran at Chapra in connection with Parsa P.S. Case No. 85 of 2020 on the following conditions:



“(1) Petitioner shall cooperate 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 on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the Court below.

(2) 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.”.

(Prabhat Kumar Singh, J.)

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