

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23656 of 2020

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

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NIRHU RAI @ INDEV KUMAR Son of Adit Rai @ Aditya Rai Resident of
Village - Dost Nagar Sherpur, P.S. - Maner, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Mukesh Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 16-09-2020 This case has been heard through video conferencing.

Petitioner is permitted to remove the defects as pointed out by the office within three weeks of normal functioning of the Court, failing which this case be placed before appropriate Bench.

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

The petitioner seeks bail in a case registered for the offence punishable under Sections 376, 511 of the Indian Penal Code and Section 4 of the POCSO Act.

Informant is the father of the victim, who in his written complaint has alleged that on 28.03.2016 his minor daughter Pinki Kumari had gone outside to attend the call of nature, petitioner along with other co-accused teased her and



also tried to commit rape upon her.

It has been submitted on behalf of the petitioner that petitioner is not named in the FIR and his name has transpired in this case on the basis of re-statement of informant. He submits that occurrence took place on 28.03.2016 but FIR was lodged on 02.04.2016 after delay of five days without any explanation. He submits that 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 Court as contained in Annexure-3. He submits that another co-accused has been granted bail by this Court in Cr. Misc. No. 18086 of 2020 on 15.06.2020. He further submits that petitioner has no criminal antecedent and is in judicial custody since 29.05.2020.

In the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-1st, Patna in connection with Special Case No. 46A of 2016 arising out of Maner Police Station Case No. 153 of 2016 subject to the conditions that:

(1) Bailors should be local persons 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.

(Anjani Kumar Sharan, J)

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