

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30536 of 2020

Arising Out of PS. Case No.-182 Year-2019 Thana- HISUWA District- Nawada

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GORELAL RAJBANSHI Son of Lakhan Rajbanshi @ Lakhan Raj Resident
of Village - Modi Bigha, (Dhuriha), Police Station - Hisua, District - Nawada.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

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Appearance :

For the Petitioner : Mr. Birendra Kumar, Advocate.

For the State : Mr. Anil Kumar Singh No.1, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 07-04-2021 Heard learned counsel for the petitioner and the
learned A.P.P. for the State, through Video Conferencing.

The petitioner seeks bail in connection with Hisua P.S.
Case No.182 of 2019 registered under Sections 302, 376
D.B./34 of the Indian Penal Code besides Section 5(g) of the
POCSO Act.

The accusation is that the informant Chando
Rajbanshi had gone to attend the marriage ceremony in the
evening of 18.05.2019. When the informant returned to his
village on the next morning, then she came to know that his
granddaughter, aged about 8½ years, is not at the house and she
is missing since the preceding night. Shankar Devi, the
daughter of the informant, informed him that his granddaughter



was sleeping in the courtyard on a cot in the night. In the midnight, Gorelal Rajbanshi (petitioner) and Sonu Rajbanshi, the co-villagers of the informant, were snooping around there, when the daughter of the informant made query to them, then they moved from there. In the morning, the granddaughter of the informant was not found on the cot and, thereafter, in course of her search, the wife of Ashok Yadav, informed about lying of a dead body of a girl, aged about 8-9 years, in the field, then the informant along with others went there and saw the dead body of his granddaughter. On seeing the dead body, it appeared that the granddaughter of the informant was raped.

Learned counsel appearing on behalf of the petitioner submits that it would appear from the F.I.R. that on mere suspicion, the petitioner and the co-accused Sonu Rajbanshi, have falsely been implicated in this case. Earlier, the prayer of the petitioner for grant of bail was rejected by this Court vide order dated 24.02.2020 passed in Criminal Misc. No.65894 of 2019. The petitioner is in custody since 21.05.2019 but the trial of the petitioner has not been concluded as yet.

The report, as called for vide order dated 03.02.2021 passed by this Court regarding the present stage of the case, has been received from the court of the Additional Sessions Judge-



VI-cum-Special Judge, POCSO Act, Nawada, through Letter No.16/2021 dated 08.02.2021, which indicates that the record is running for evidence and out of 9 charge-sheeted witnesses, only one witness (informant) has been examined and 8 witnesses are yet to be examined.

Having regard to the facts and the circumstances of the case, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge-I-cum-Special Judge (SC/ST Act), Nawada, in connection with Hisua P.S. Case No.182 of 2019.

(Rajendra Kumar Mishra, J)

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