

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3817 of 2021**

Arising Out of PS. Case No.-10 Year-2020 Thana- MAHILA P.S. District- Vaishali

RAJESH RAI @ RAJESH KUMAR RAI, Aged about 27 years, S/o Suresh Ray R/o village- Simra, P.S.- Mahnar, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.C. Verma, Advocate.
	:	Mrs. Kumari Vandana, Advocate.
For the Opposite Party/s	:	Mr. Akshay Lal Pandit, APP

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 26-05-2021 Heard learned senior counsel, Mr. Y.C. Verma assisted by learned counsel Kumari Vandana for the petitioner and learned A.P.P. for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Hajipur Mahila P.S. Case No. 10 of 2020 registered for the offence punishable under Sections 341, 323, 504, 506, 376 (2) (i)/34 of the Indian Penal Code and 4, 6, 21 of the POCSO Act.

As per the prosecution case which is based on the written



statement of the victim girl the allegation against the accused petitioners Rajesh Rai, Rakesh Rai and three other persons is of kidnapping and committing penetrative sexual assault upon her. All five persons took her forcefully in a blue coloured bolero car to the Bathan of the accused *Rajesh Rai* which was one kilometer away where they threatened her and committed rape upon her as a result of which she became unconscious. The people caught the said bolero and the accused *Rakesh Rai*. However, *Rakesh Rai* belongs to rich family and by paying five lakhs the accused has been released by the co-villagers. The co-villagers put heavy pressure upon her family and told her mother to kill her daughter otherwise she will not be left alive by the society.

It is submitted by learned senior counsel for the petitioner that petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. He submits that according to the FIR the specific allegation is against accused *Rakesh Rai*. The allegation levelled against the petitioner is not specific rather general and omnibus in nature and there is no specific overt act against the petitioner. The petitioner has no criminal antecedent as has been mentioned in para 3 of the bail application and is languishing in custody since



14.09.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with Hajipur Mahila P.S. Case No. 10 of 2020.

(Anjani Kumar Sharan, J)

GAURAV S./-

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