

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13648 of 2021

Arising Out of PS. Case No.-490 Year-2020 Thana- BHABHUA District- Kaimur (Bhabua)

Janai @ Jainarail Sah, Son of Hatim Shah @ Hashim Shah, Resident of
Village- Mokari, P.S.- Bhabua, District- Kaimur (Bhabua).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Pathak, Advocate

For the Opposite Party/s : Mr.Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 09-09-2021 The matter has been taken up today for
consideration through video conferencing.

The learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings from
their homes, all with the aid of audio visual technology.

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

The petitioner seeks bail in connection with
POCSO Case No.25 of 2020 arising out of Bhabua P.S. Case
No.490 of 2020 registered for the offence punishable under
Section 376(G) of the Indian Penal Code and Section 6 of the
POCSO Act, in which cognizance of the offence under Section
376-D A of the Indian Penal Code and Section 6 of the POCSO



Act has been taken.

The informant has alleged that the petitioner has called her to his house, which is at a very short distance from her house. On going there, he has taken her inside the house, locked the door and ravished her. It is alleged that one Ankur Patel, who was also in the house, has also committed rape.

Petitioner's counsel submits that the petitioner has falsely been implicated in this case. The victim has allegedly lodged the case immediately after the incident, but has refused to get herself medically examined. One month after the alleged occurrence, i.e., on 01.09.2020, the victim has been medically examined where the Doctor has not found any sign of rape. Petitioner has one prior criminal case as per the supplementary affidavit, bearing Bhabua P.S. Case No.599 of 2014, in which he is on bail. Co-accused Ankur Patel has been allowed bail in Cr.Misc. No.37809 of 2020, vide order dated 15.03.2021. Petitioner is stated to be in custody since 03.08.2020.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by



the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, POCSO, Kaimur, Bhabua, in connection with POCSO Case No.25 of 2020 arising out of Bhabua P.S. Case No.490 of 2020, subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

PNM

U		T	
---	--	---	--

