

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14770 of 2022

Arising Out of PS. Case No.-55 Year-2021 Thana- MAHILA PS District- Buxar

Rahul Tiwari S/o Satrudhan Tiwari @ Satrughan Tiwari R/o village-
Brahmpur, P.S.- Brahampur, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar, Advocate

For the Opposite Party/s : Mr. Rina Sinha, A.P.P

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

3 27-07-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from today.

The petitioner seeks bail in connection with a case
registered for the offences punishable under Sections 365, 366,
367, 368, 370, 342, 376(D) and 34 of the Indian Penal Code and
Section 4 and 6 of the POCSO Act.

As per the prosecution case, allegation against the
petitioner and other co-accused is of establishing physical
relationship on account of marriage with the victim.

Learned counsel for the petitioner submits that in the
statement of 164 Cr.P.C. given by the victim, there is no
allegation against the petitioner. There is specific allegation



against Rohit and Mikku. It is further submitted that the victim has not mentioned any specific or general date, place and time of alleged occurrence and also had not taken any recourse of complaining the same neither made complain to her relative nor to any of the authority. It is further submitted that as per prosecution, the facts demonstrated that the present case is of human-trafficking against the other named co-accused persons. Further, it is submitted that other co-accused persons namely, Pritam Kumar Pandey @ Chatal Pandey and Ratan Kumar Pandey @ Patal Pandey have been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 13.07.2022 passed in Criminal Miscellaneous No. 62201 of 2021. The petitioner is in custody since 11.11.2021, charge-sheet has been submitted in the case and has antecedent of two cases.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the facts and circumstances of this case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) only with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-VI cum Special Judge POCSO Court, Buxar in connection with Mahila P.S. Case



No. 55 of 2021, subject to the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed 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) One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

(3) 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.

(Khatim Reza, J)

Gaurav Kumar/-

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