

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33043 of 2021

Arising Out of PS. Case No.-175 Year-2020 Thana- DURAULI District- Siwan

SHAMBHU PANDEY S/o Late Dhakun Pandey @ Sachida Nand Pandey
Resident of Village - Rampunak, P.S.- Darauli, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shailendra Kumar Dwivedi, Advocate
For the Informant	:	Mr. Ranjeet Kumar Pandey, Advocate
For the Opposite Party/s	:	Mr. Upendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 24-01-2022 Heard Shri D.K. Sinha, learned Senior Counsel for the petitioner, Shri Ranjeet Kumar Pandey, learned counsel for the informant and Shri Upendra Kumar, learned A.P.P. for the State through virtual court proceedings.

The petitioner seeks regular bail in connection with Darauli P.S. Case No. 175 of 2020 instituted for the offences under Sections 341, 323, 337, 354, 376, 511, 504, 506/34 of the Indian Penal Code read with Section 12 of the Protection of Children from Sexual Offenses Act, 2012.

Learned Senior Counsel for the petitioner submits that charge sheet came to be submitted under Sections 341, 323, 307, 302, 354, 354(A), 354(B), 376, 511, 504 and 506 of the Indian Penal Code.

Learned Senior Counsel for the petitioner further submits that the petitioner is in custody since 28.01.2021, charge-



sheet has been submitted and the petitioner has antecedent of eight cases in which the petitioner in seven cases has either been acquitted or not sent up for trial and, as such, only one case presently is pending against the petitioner as mentioned in para 3 of the bail application. The said fact has been brought on record by filing a supplementary affidavit.

Learned Senior Counsel for the petitioner submits that informant alleges that she had gone to attend the call of nature where Rajiv Ranjan Pandey @ Sunny Pandey caught her and pushed her in a bush on which informant protested and then Pawan Singh caught her leg and tried to commit sexual assault but the informant again protested on which they fled away. Thereafter, petitioner along with other named accused persons came to the house of the informant armed with lathi and danda and brutally assaulted her and her parents and then petitioner and Raj Pandey disrobed her on which she became half naked. Further Ram Kripal Pandey threatened with pistol and Anuradha Pandey and Anita Devi abused her.

Learned Senior Counsel for the petitioner next submits that the date of occurrence is 08.08.2020 and FIR came to be instituted on 09.08.2020. There is no allegation that father of the informant died, subsequently the mother and brother of the informant on 18.09.2020 alleges that father died due to assault on



09.08.2020 which prima facie appears absurd. Further informant is 26 years of age and her date of birth is 1993 and passed her matriculation in 2008 and the date of birth mentioned is 24.02.1993, as such, the informant is not a minor. He further submits that co-accused Pawan Singh has been granted bail vide order dated 24.11.2021 passed in Cr. Misc. No. 23520 of 2021 and co-accused Ram Kripal Pandey has been granted bail vide order dated 10.01.2022 passed in Cr. Misc. No. 36172 of 2021.

Learned A.P.P. for the State and learned counsel for the informant vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody, charge-sheet has been submitted and similarly situated co-accused has been granted bail, let the petitioner above named 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 learned Special Judge, POCSO, Siwan in connection with Darauli P.S. Case No. 175 of 2020.

(Satyavrat Verma, J)

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