

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28446 of 2022

Arising Out of PS. Case No.-13 Year-2022 Thana- MAHILA P.S. District- Saharsa

RAJA S/o Umesh Das R/o village- Mahua Bazar, Ward No. 3, P.S.- Basnahi,
District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subesh Sharma, Advocate

For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 08-09-2022 Heard learned counsel for the petitioner, informant
and learned counsel for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in judicial custody in connection
with Mahila P.S. Saharsa Case No. 13 of 2022 for the offences
under Sections 341, 323, 376, 504 and 506/34 of the Indian
Penal Code and section 3(1) (r) (s)/3(1) w (I) (ii)/3 (2) (va) of
the SC/ST Act.

As per the prosecution story, the informant has
alleged that accused Sarfraz took the victim girl in the maize
field and raped her and when she came out along with the
sister, it is alleged that this petitioner and one Hiraz upon
knowledge abused and threatened her. Accordingly, the FIR has



been lodged.

Learned counsel for the petitioner submits that the only allegation against him is of threatening the victim girl and her sister for which he is already in custody since 15.03.2022 (as stated in paragraph-8 of the bail application and has no criminal antecedent. It is his further submission that the accused, namely, Sarfraz against whom there is allegation of rape has since been released by the Court below itself.

Considering the aforesaid facts as also the fact that he is in custody since 15.03.2022 having no criminal antecedent, this Court is inclined to grant him the privilege of bail.

If however, it is found that any averments made by the learned counsel for the petitioner and/or incorporated in the bail application are false, this bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of ADJ-1st cum Spl. Judge (POCSO), Saharsa in connection with Mahila P.S. Case No. 13 of 2022, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her *bona fide*;



(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Jagdish/Neha-

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