

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46404 of 2021

Arising Out of PS. Case No.-61 Year-2019 Thana- RAJPUR District- Rohtas

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AJAY RAJWAR S/O LATE KESHO RAJWAR R/o VILLAGE-HABBUPUR,
P.S-RAJPUR, DISTRICT-ROHTAS AT SASARAM.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Chhote Lal Mishra, Advocate.

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

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 16-02-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner, who is in custody since 21.04.2021,
seeks regular bail in connection with Rajpur P.S. Case No. 61 of
2019 for the offence punishable under Sections 366A and 376 of
the Indian Penal Code and Sections 4/6 of the POCSO Act.

The prosecution case, in brief, is that co-accused
Amresh Rajwar, son of Ajay Rajwar (petitioner) kidnapped the
minor daughter of the informant and established physical
relation with her.



Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that the petitioner is father of the co-accused Amresh Rajwar and nothing specific has been alleged against him and as such basic ingredient of allegation under Sections 366A and 376 IPC is not made out against the petitioner and as such Sections 4/6 POCSO Act is also not attracted so far as the present petitioner is concerned. Petitioner is in custody since 21.04.2021

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the aforementioned facts and circumstances of the case and taking into consideration the period of custody of the petitioner as well as the fact that there is no allegation made against the petitioner of either committing sexual assault or playing active role in kidnapping the minor daughter of the informant, prima facie the petitioner has made out a case to be released on bail, the petitioner, above named, 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 Additional District Judge-VII, Rohtas at Sasaram in connection with Rajpur



P.S. Case No. 61 of 2019, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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