

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41519 of 2022

Arising Out of PS. Case No.-61 Year-2022 Thana- GHORASAHAN District- East
Champaran

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1. Ratnesh Yadav S/o Late Surendra Rai R/o village- Kaswa Kadamwa, P.S.-
Ghorasahan, District- East Champaran
 2. Birendra Rai S/o Late Sukdeo Rai R/o village- Kaswa Kadamwa, P.S.-
Ghorasahan, District- East Champaran
 3. Vijay Rai S/o Late Sukdeo Rai R/o village- Kaswa Kadamwa, P.S.-
Ghorasahan, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-12-2022 The petitioner no. 3 has been arrested and he has

already withdrawn the petition with respect to petitioner no. 3

vide order dated 14.11.2022.

Learned counsel for the petitioner nos. 1 and 2 is

permitted to remove the defects, as pointed out by the office,

within a period of four weeks from today.

Heard learned counsel for the petitioner nos. 1

and 2 and learned APP for the State.

Petitioner nos. 1 and 2 are apprehending their

arrest in a case registered for the offences punishable under

Sections 341, 323, 324, 325, 354(B), 379, 504/34 of the



Indian Penal Code and Section 8 of the POCSO Act.

As per prosecution story, in short, is that the accused petitioners took away forcibly the victim girl and removed her pajama in prosecution of their common intention with sexual intent and caused injuries on the head of the victim.

Learned counsel for the petitioner nos. 1 and 2 submits that the petitioner no.1 carries two more case other than the present one whereas petitioner no. 2 carries five more cases other than the present one and they have been falsely implicated in the present case. Learned counsel for the petitioners submits that it appears from the F.I.R. that there is specific allegation of assaulting the victim against co-accused persons namely Rupesh Kumar and Pramod Yadav and there is also specific allegation of assault against the petitioner nos. 1 and 2 that they have assaulted the Ramesh Kumar Yadav and the informant Hari Rai but the injury report of the informant and Ramesh Kumar Yadav is found simple in nature. He further submits that the victim girl was recorded under Section 164 of the Cr. P.C. in which she has categorically stated that co-accused Rupesh Kumar and Pramod Yadav took her away forcibly to the house and committed wrong with her.



Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner nos. 1 and 2.

Considering the facts and circumstances of the case, let the petitioner nos. 1 and 2, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Ghorasahan P.S. Case No. 61 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioner nos. 1 and 2 shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioner nos. 1 and 2 tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall



verify the criminal antecedent of the petitioner nos. 1 and 2 and in case at any stage, it is found that the petitioner nos. 1 and 2 have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner nos. 1 and 2. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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