

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53085 of 2021**

Arising Out of PS. Case No.-141 Year-2020 Thana- SURYAPURA District-
Rohtas

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Bijendra Pandey Son of Late Ramji Pandey Resident of Village- Kalyani,
P.S.- Suryapura, District- Rohtas.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Rang Nath Choubey, Advocate

For the Informant : Mr. Ashutosh Tripaty, Advocate

For the State : Mr. Jagdhar Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 05-04-2022 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding in

physical mode in normal course.

Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 341, 342, 343, 323, 376,
120(B)/34 of the Indian Penal Code.

In the instant case it is alleged that the accused
persons forcibly abducted the informant/victim and committed
rape upon her and also assaulted her.

Learned counsel for the petitioner submits that the
petitioner has been falsely implicated in the present case. He



further submits that it appears from the F.I.R. that the main accused of the case is Deepak Pandey and the victim girl in her statement recorded under Section 164 of the Cr. P.C. has not named the petitioner and the victim submits that the petitioner has not participated in the aforesaid occurrence. Petitioner is the uncle of the main accused namely Deepak Pandey. Similarly situated co-accused Mantu Pandey has been granted bail vide order dated 03.03.2021 in Cr. Misc. No. 40953 of 2020 and another co-accused namely Raju Pandey has been granted bail vide order dated 22.01.2022 by this Court in Cr. Misc. No. 55302 of 2021 and the petitioner is in custody since 31.07.2021.

Learned APP for the State and learned counsel for the informant vehemently opposed the prayer of bail of the petitioner.

Considering the facts and circumstances of the case, 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 Court below where the case is pending in connection with POCSO Case No.82 of 2020 arising out of Suryapura P.S. Case No. 141 of 2020, with 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 shall remain physically present as directed 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) If the petitioner tampers 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 and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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