

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44369 of 2022**

Arising Out of PS. Case No.-124 Year-2021 Thana- BISHWAMBHARPUR District-
Gopalganj

=====

OM RAI SON OF LALAN RAI R/O VILLAGE- GALIMPUR, P.S.-
VISHAMBHARPUR, DISTT.- GOPALGANJ

... .. Petitioner/s

Versus

1. The State of Bihar
2. THE STATE OF BIHAR PATNA

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Baidya Nath Thakur, Advocate
For the Opposite Party/s : Mr. Uday Pratap Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 14-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 366(A) and 376(3) of the Indian Penal Code read with Sections 4, 6, 7 and 8 of the POCSO Act.

Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that her minor daughter on 10.10.2021 at 4:00 AM went to attend nature's call but she did not return, thereafter a search was made but the victim could not be located, further on 12.10.2021 he saw his daughter crying and on inquiry she disclosed that petitioner along with Roshan tied her mouth and



confined her in a room and Hari Rai raped her and threatened to kill her and the informant.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case, it is next submitted that the FIR does not disclos that petitioner is cousin brother of the victim rather the allegation in the FIR gives an impression that the victim was taken away forcefully by some unknown persons and Hari raped, it is further submitted that father of the petitioner filed Title Partition Suit No. 623 of 2011 in the Court of learned Sub-Judge-I, Gopalganj, in which father of the informant being karta was also impleaded as Defendant No. 13, further submitted that a Genealogical Table forms part of the Title Partition Suit No. 623 of 2011 which has been brought on record in the present anticipatory bail application at Page-23, it is next submitted that on 03.09.2013 father of the petitioner lodged Non-FIR No. 72 of 2013 for initiating a proceeding against informant's father and brother, thereafter on 11.10.2021 petitioner's father filed informatory petition in the Court of learned Chief Judicial Magistrate, Gopalganj that Sunesh Rai and others are threatening on account of land dispute, it is also submitted that even the victim was examined by the doctor on 13.10.2021 and



the injury report does not support the case of the prosecution and allegation of rape. The learned counsel for the petitioner next submits that petitioner will not evade the law rather will co-operate in the investigation and will present himself before the Investigating Officer as and when required.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Vishambharpur P.S. Case No. 124 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Further, in the event, if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioner despite giving assurance to this Court is not co-operating in the investigation or is not presenting himself when called for, the learned trial court after giving him



an opportunity of hearing shall pass order in accordance with law and shall also be entitled to cancel his bail bonds.

The learned trial court is directed to send a copy of this order to the concerned Police Station.

(Satyavrat Verma, J)

Shivam/-

U		T	
---	--	---	--

