

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54705 of 2021

Arising Out of PS. Case No.-18 Year-2021 Thana- MAHILA PS District- Aurangabad

1. RAKESH RAWANI Son of Suresh Rawani @ Suresh Singh Resident of Village - Chamanpura, P.s.- goh, Distt.- Aurangabad.
2. Santosh Rawani Son of Shiv Narayan Rawani @ Shiv Narayan Singh Resident of Village - Chamanpura, P.s.- Goh, Distt.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bindeshwar Prasad Singh, Adv.

For the Opposite Party/s : Mr. Asha Devi, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 07-04-2022 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in a case registered for the offence under Sections 376/120B of the Indian Penal Code.

The petitioners and other are alleged to have outraged the modesty of the informant.

Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedent, are innocent and have falsely been implicated in this case. He further submits that according to the F.I.R., the allegation of rape is attributed to the co-accused, Sri Kant Rawani, who



has already been granted bail by the court below itself. He further submits that there is general and omnibus allegation against the petitioners and no specific allegation of assault is attributed to them. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioners. Petitioner No.1 is rotting in judicial custody since 10.06.2021 whereas the petitioner No.2 is custody since 17.06.2021.

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

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (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 Mahila P.S. Case No. 18 of 2021 with the following conditions:-

(1) Petitioners 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 bond shall be canceled by the



Court below.

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

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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