

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55302 of 2021

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

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RAJU PANDEY, SON OF LATE LALAN PANDEY, RESIDENT OF
VILLAGE- KALYANI, P.S.- SURYAPURA, DISTT.- ROHTAS

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Advocate
For the Opposite Party/s	:	Mrs. Veena Kumari Jaiswal, APP
For the Informant	:	Mr. Ashutosh Tripathi, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-01-2022 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State as well as informant

in virtual court proceeding.

Let the defect(s), as pointed out by the office, be

removed within four weeks of start of normal functioning of the

physical court.

Petitioner seeks bail in connection with POCSO Case

no. 82 of 2020, corresponding to Suryapura P.S. Case No. 141

of 2020 registered for the offences punishable under Sections

341/342/343/323/376/120(B)/34 of the Indian Penal Code and

Sections 4/8 of the POCSO Act.

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 got clean antecedent and he has falsely been implicated in the present case. He further submits that the petitioner is the father of co-accused Deepak Pandey and the allegation of rape is against him. He further submits that due to land dispute, the present case has been instituted against all the family members of the petitioner. He further submits that the petitioner has no concern with the alleged occurrence. Petitioner is in custody since 31.07.2021.

The learned Additional Public Prosecutor and the informant vehemently opposed the prayer of bail of the petitioner.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-VII-cum-Exclusive Special Court, POCSO Act, Rohtas at Sasaram in connection with Suryapura P.S. Case No. 141 of 2020 (POCSO Case no. 82 of 2020) subject to 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 witnesses, 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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