

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60499 of 2021**

Arising Out of PS. Case No.-148 Year-2020 Thana- KHARIK District- Bhagalpur

SHRAVAN RAI @ SARBAN RAI @ JHARKHANDI Son of Bilaru Rai @
Jai Prakash Rai Resident of Village - Japteli, P.s.- Prabatta, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amrendra Kumar, Adv.

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 12-04-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

A supplementary affidavit, carrying out necessary correction in the main application, has been filed on behalf of the petitioner, which forms part of this application.

The petitioner seeks bail in a case registered for the offence under Sections 354(a)(i)(ii), 354(B) and 506 of the Indian Penal Code and Section 8 of POSCO Act.

The minor informant is subjected to assault and torture and her modesty was tried to outrage by the petitioner.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been



implicated in this case. He further submits that it is apparent from the F.I.R. that the petitioner has not committed any offence. He further submits that the petitioner is alleged to have caught hold the victim and tied her mouth with towel but he has not committed any overt act nor any allegation with respect to sexual assault is attributed to him. No injury either of external or internal is available on record. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 22.04.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

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) 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. 78 of 2020 corresponding to Kharik P.S. Case No. 148 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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