

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63034 of 2021**

Arising Out of PS. Case No.-261 Year-2020 Thana- TARAIYA District- Saran

RAJU GIRI Son of Shyam Narayan Giri Resident of Village - Dih Chhapiya,
P.S.-Taraiya, District - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar Singh, Adv

For the Opposite Party/s : Mr.Ajit Kumar,APP

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

3 08-04-2022 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 and the learned A.P.P. for the State in virtual Court proceeding.

The petitioner seeks bail in connection with Taraiya P.S.Case No.261 of 2020 registered for the offence under Sections 376(D) of the Indian Penal Code and Section 67 of I.T. Act.

As per the prosecution story, when the victim lady was returning after purchasing medicine on 17.07.2020 at about 5:30 P.M. from Taraiya market, as soon as she reached near Baital Baba Peepal tree, two motorcycle borne persons sitting two persons on each reached there and all the four persons came



in front of her and after putting a Gamcha (a piece of cloth) on her mouth they took her to a lonely place where the informant identified the four named accused persons and at this stage, in the F.I.R. she mentions about four unknown persons of village Chhapiya Dih. As per allegation they committed rape on her one by one and one of them was making video of the occurrence and made the said video viral on the Whatsapp and Facebook.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that it appears from the FIR that the allegation of committed rape upon the petitioner. He further submits that it is a case of false implication of the petitioner and there is no direct or indirect material has come during investigation against the petitioner. He further submits that during investigation not a single witness has come to support the case of the prosecution. He further submits that the similarly situated co-accused persons, namely, Rupesh Kumar Singh has been granted bail vide order dated 27.08.2021 in Cr. Misc. No.13033 of 2021 by a Coordinate Bench of this Hon'ble Court and another co-accused, namely, Ajit Kumar Singh has been granted bail vide order dated 24.02.2022 in Cr. Misc. No.36329 of 2021 by this Hon'ble Court and co-accused,



namely, Kartik Sah @ Chuteki Sah @ Kartik Kumar Sah has been granted privilege of anticipatory bail vide order dated 20.12.2021 in Cr. Misc. No.14782 of 2021 by a Coordinate Bench of this Hon'ble Court and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 12.10.2020.

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 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 court below where the case is pending in connection with Taraiya P.S.Case No.261 of 2020, S.Tr.No.140 of 2021 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 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.

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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