

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62571 of 2021**

Arising Out of PS. Case No.-59 Year-2021 Thana- MAHILA PS District-
Buxar

- =====
1. MANTU RAJBHAR Son of Bishun Rajbhar @ Bishun Ray Resident of Village - Khatiba, P.S.-Itarhi, District - Buxar.
 2. Anil Rajbhar Son of Ramji Rajbhar Resident of Village - Chhotaka Rajpur, P.S.- Simari, District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner : Mr. Satyapal Singh, Advocate
For the State : Mr. Ajit Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-04-2022 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 petitioners and learned APP for the State.

Petitioners seek bail in a case registered for the offences punishable under Sections 341, 323, 354A/34 of the Indian Penal Code and Section 12 of the POCSO Act..

As per prosecution case, in brief, it is alleged by the informant Kamlesh Rajbhar on 23.07.2021 at about 8:00 O'clock in the night his daughter namely Priyanka Kumari was going to attend the call of nature and co-villagers Mantu



Rajbhar and Anil Rajbhar had tried to sit the informant's daughter on motorcycle with wrongful intention and when she protested both of them had committed objectionable behaviour with her and when she made an alarm the informant's wife came and the accused persons fled away.

Learned counsel for the petitioners submit that the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that it appears from the F.I.R. that the allegation against the petitioner is to catch the hand of the daughter of the informant. He further submits that it appears from the F.I.R. the date of occurrence as alleged in the F.I.R. is 23.07.2021 but the F.I.R. was instituted on 26.07.2021 delay of three days without explanation of delay. He further submits that prior to the present occurrence the father of the petitioner no. 1 has lodged the Itarhi P.S. Case No. 122 of 2004 against the informant and others and due to this reason the present informant has falsely instituted the present case against the petitioners. Further submits that police after investigation submitted chargesheet against the petitioner and the petitioners are in custody since 27.08.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner.



Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees 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 Buxar (Mahila) P.S. Case No. 59 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 bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, 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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