

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15219 of 2023**

Arising Out of PS. Case No.-173 Year-2014 Thana- ARA MUFFSIL District- Bhojpur

RAJENDRA RAI S/O RAM LAYAK RAI R/v- Jamira, P.S.- Ara Muffasil,
District- Bhojpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Mohit Shrivastava, Adv. Mr. Rajeev Ranjan No.II, Adv.
For the Opposite Party/s :	Mr. Anil Kumar, APP

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

3 03-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since 25.12.2022 in connection with Ara Muffasil P.S. Case No.173/2014, POCSO 11/2014 F.I.R. dated 13.08.2014, for the offences punishable under Sections 366A, 341, 342, 323, 376D, 506 and 34 of the IPC and later on Section 6 of POCSO Act was also added.

According to prosecution case, co-accused persons namely Mantu Rai, Dharmendra Rai and Kariya Rai are alleged to have kidnapped the daughter of the informant after pressing her mouth and kept her in unknown place and thereafter committed rape upon her one by one.

Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. The name of the petitioner has been transpired during investigation on the basis of confessional statement of the victim, which was recorded under Section 164 of the Cr.P.C. He further submits that in her statement the victim has not stated anything about sexual assault against the petitioner. She has categorically stated that other co-accused persons namely, Nand Kishore, Dharmendra Rai Lallu and Mantu Rai have committed rape upon her. He further submits that the petitioner may involved in the present case but he has not assaulted the victim in any manner and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 25.12.2022.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail, after framing of charge, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned VIth Additional District and Sessions Judge-cum-



Special Judge, POCSO, Bhojpur at Ara in connection with Ara Muffasil P.S. Case No.173/2014, POCSO 11/14, 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)

amit/-

U		T	
---	--	---	--

