

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40291 of 2023

In
CRIMINAL APPEAL (SJ) No.3340 of 2022

Arising Out of PS. Case No.-39 Year-2022 Thana- MAHILA PS District- Buxar

GAJANAND THAKUR son of Vijay Thakur Village- Tripurwa Ps- Sikraul
Dist- Buxar

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Punam Kumari @ Shrishti Bharti D/o- Wakil Paswan Village- Tripurwa Ps-
Sikraul Dist- Buxar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Shankar Choubey
For the Opposite Party/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 25-07-2023 Learned counsel for the petitioner is permitted to
remove defect (s), as pointed out by the office, if any, within a
period of four weeks on resumption of physical mode.

2. Heard learned counsel for the petitioner and learned
A.P.P for the State.

3. The petitioner has preferred this application for
grant of regular bail in connection with Buxar Mahila P.S Case
No. 39 of 2022 dated 14.06.2022 registered for the offence
punishable under Sections 323, 292, 376, 504, 506 and 379 of
the Indian Penal Code, Sections 4 and 14 of the POCSO Act,
Sections 67(b) of the I.T. Act and Sections 3(i)(r)(s)(w)(i)(ii),



3(2),(va) of the SC/ST Act.

4. As per the prosecution case, the petitioner is alleged to have committed rape on the informant's daughter by enticing her and made her video and started exploiting her. It is further alleged that the petitioner threatened her to make her video viral.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. There is no statutory compliance of Section 53A and 164A and as per section 34 of the POCSO Act, the age of the victim was not assessed by medical board. Learned counsel further submitted that as per the Aadhar Card, the victim is a major girl. It is further submitted that there is no public present at the place of occurrence because the occurrence had taken place inside the house of the petitioner so the offence is not committed within the public view, hence, offence under SC/ST Act is not made out against the petitioner. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 15.06.2022.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

7. Considering the aforesaid facts and circumstances



of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Buxar in connection with Buxar Mahila P.S Case No. 39 of 2022, with the condition :-

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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