

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.33412 of 2022**

Arising Out of PS. Case No.-122 Year-2020 Thana- HATHAURI District- Muzaffarpur

Radhe Shyam Rai @ Radhe Shyam Prasad Yadav S/o Late Ram Sagar Rai R/o  
Village- Naauli, P.S.- Hathauri, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

**CRIMINAL MISCELLANEOUS No. 33575 of 2022**

Arising Out of PS. Case No.-122 Year-2020 Thana- HATHAURI District- Muzaffarpur

Vanshlal Rai @ Harivansh Rai Son of Late Ram Sagar Rai R/o Village-  
Banauli, P.S.- Hathauri, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

(In CRIMINAL MISCELLANEOUS No. 33412 of 2022)

For the Petitioner/s : Mr. Anish Kumar

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam

(In CRIMINAL MISCELLANEOUS No. 33575 of 2022)

For the Petitioner/s : Mr. Anish Kumar

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam

**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR**  
**ORAL ORDER**

3      03-01-2023                      Heard Ld. counsel for the petitioners and Ld. APP  
for the State.

The petitioners seek bail in connection with  
Hathauri P.S. Case No. 122 of 2020, registered for the  
offences punishable under Sections 147, 148, 149, 341,  
342, 323, 324, 325, 307, 354(B), 379, 504 and Section 8



of the POCSO Act and Section 27 of the Arms Act.

The prosecution story as emerges from the FIR is that on 13.06.2020, informant's daughters were going to school and all of a sudden the accused persons tried to kidnap them. The people caught the accused persons and assaulted them.

Ld. counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that the petitioner Radheshyam Rai is the father of the main accused who has committed the offence of outraging the the modesty of the alleged victim and Vanshlal Rai is the uncle of the accused-persons who have allegedly outraged the modesty of the victim and there is no direct allegation against them of outraging the modesty of the victim. He also submits that investigation in this case is complete and charge-sheet has already been submitted.

It has further been stated in paragraph no. 3 of the petition that the petitioner, namely, Vansh Lal Rai has no criminal antecedents whereas petitioners, namely, Radhe Shyam Rai have been made accused in three other cases.



He also submits that the petitioners namely, Radhe Shyam Rai and Vansh Lal Rai have been languishing in jail since 30.03.2022 and 14.03.2022 respectively.

It is also stated in paragraph no. 2 of the petition that the petitioners have not moved earlier for grant of either anticipatory bail or regular bail.

However, Ld. APP for the State and Ld. Counsel for the informant vehemently opposes the prayer of the petitioners for bail.

Considering the aforesaid facts and circumstances, the petitioners, above-named, are directed to be released on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Ld. Additional Sessions Judge VI cum Spl. Judge POCSO Act, Muzaffarpur in connection with Hathauri P.S. Case No. 122 of 2020 on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that



investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have criminal antecedent other than the disclosed one, the Ld. court below shall cancel the bail bond of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedent despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioners.

The application stands allowed accordingly.

The learned counsel for the petitioners is directed



to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

**(Jitendra Kumar, J)**

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