

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34643 of 2022

Arising Out of PS. Case No.-29 Year-2022 Thana- SATHI District- West Champaran

RAKESH KUMAR @ CHOTE S/o Mahendra Sah @ Mahendra Raut R/o
Village- Dharampur, P.S.- Sathi, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Shantanu Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-02-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 366A, 376 of the Indian
Penal Code and Section 4 and 6 of POCSO Act.

According to prosecution case, As per the allegation,
she was having affairs with one Rakesh but after she got
knowledge that he takes drug she left him. Later, she developed
friendship with Chandan and one day she left with Chandan and
stayed in a room of hotel at Narkatiaganj. Thereafter, Chandan
Kumar (son of Ramadhar Sah) went to Railway Station to take
railway ticket leaving her alone and during that time, Rakesh



Kumar came there and committed rape on her. When Chandan returned, she narrated the same to him. Thereafter, Chandan Kumar make her board the train and assured her to perform marriage at Gorakhpur. She stayed at Gorakhpur for 4-5 days but Chandan did not come and his mobile phone too was found switched off.

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 it appears from the F.I.R. that the allegation as alleged in the F.I.R. is false and fabricated and the story is developed in the F.I.R. it appears that the victim girl was in love with Chandan Kumar earlier and after the relation break with the Chandan Kumar the victim girl has approached the petitioner to marry with the petitioner. He further submits that no such occurrence took place and the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Chandan Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 16.09.2022 passed in Cr. Misc. No. 25271 of 2022 and another co-accused namely, Chandan Kumar has been granted bail by this Court vide order dated 02.09.2022 passed in Cr. Misc. No. 33215 of 2022. The



petitioner is in custody since 06.02.2022.

The learned Additional Public Prosecutor for the State 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 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 Sathi P.S. Case No. 29 of 2022, 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)

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