

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.42985 of 2022**

Arising Out of PS. Case No.-153 Year-2022 Thana- RAJPUR District- Buxar

BHAGIRATHI RAM SON OF LATE VISHWANATH RAM R/O VILLAGE-  
SARENJA, P.S.- RAJPUR, DISTRICT- BUXAR, BIHAR

... .. Petitioner/s

Versus

1.The State of Bihar  
2. Bhagmania Devi W/o Lotan Ram R/o Village-Sarenja P.S. Rajpur, District-  
Buxar, Bihar.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Surendra Kumar Singh,Advocate  
For the Opposite Party/s : Mr.Jai Narain Thakur,APP

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

6      04-04-2023                      Heard learned counsel for the petitioner, learned  
counsel for the informant and the learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the  
offence under Sections 376,493,323,504 of IPC and Section 3/4  
of POCSO Act.

The informant alleges that on 20.05.2022, her  
daughter, on the pretext of marriage, was exploited and is  
performing marriage with another girl but in spite of the protest  
of victim, Sanjay Ram misbehaved with her which was  
intimated to the informant by her then she went to Bhagirath  
who said whatever my son has done is correct and committed  
Maar-Pit hurling threats.

Learned counsel appearing for the petitioner submits  
that the petitioner has falsely been implicated in the present case



on the ground that the petitioner is father of the co-accused who has committed wrong with the victim and there is no allegation against the petitioner that he has committed any wrong with the victim and only allegation against the petitioner under Sections 323 and 504 of IPC. Further submits that there is no case made out against the petitioner under Section 376 of the IPC. Further submits that the victim girl was recovered and her statement under Section 164 Cr. P.C. was recorded in which she has not stated anything about the petitioner and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 29.05.2022.

Learned counsel for the informant and learned APP for the State have vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the aforesaid fact and period of custody, 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 learned court below where the case is pending in connection with Rajpur P.S. Case No.153 of 2022 with 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/her absence on two consecutive dates without sufficient reason, his/her 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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