

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45217 of 2022

Arising Out of PS. Case No.-126 Year-2021 Thana- BALIA BELON District- Katihar

SAHDEV RAJAK @ HABBU RAJAK Son of Late Ritlal Rajak Resident of
Village - Kurum, P.s. - Balia Belon, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Sinha, Adv.
Md. Musowir, Adv.
For the Opposite Party/s : Mr.Shantanu Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 20-03-2023 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the office within one

month.

Heard learned counsel for the petitioner as well as

learned APP for the State.

In this case, the petitioner is seeking regular bail in

connection with Balia Belon P.S. Case No. 126 of 2021,

registered for the offences punishable under Sections 363, 366

(A)/34 of their Indian Penal Code and 4 POCSO Act.

The learned counsel for the petitioner has submitted

that, as a matter of fact, the alleged victim had love and affair

with co-accused who is son of the petitioner. The petitioner has

falsely been implicated merely because he is father of Sagar



Rajak the main accused. He has submitted further that though, the victim in her statement recorded under Section 164 Cr.P.C. has stated that the petitioner and his son Sagar Rajak have committed rape upon the victim which is highly improbable. He is under custody since 19.02.2022.

On the other hand, the learned APP has opposed the prayer for bail.

Considering the above-mentioned facts and circumstances, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned A.D.J. VII-cum-Special Judge, Katihar, District, Katihar in connection with Balia Belon P.S. Case No. 126 of 2021, subject to the following conditions:-

(i) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(ii) If the petitioner is found involved in future in the similar type of offence, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.



Office shall ensure that all defects are removed by the petitioner within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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