

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46183 of 2022

Arising Out of PS. Case No.-209 Year-2022 Thana- OBRA District- Aurangabad

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1. GUDDU @ DHIRAJ THAKUR S/O KAMESHWAR THAKUR
 2. VIKASH THAKUR S/O ANIL THAKUR
- Both are R/o Village- Chapra, P.S.- Obra District- Aurangabad

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Punam Devi, Wife of Vikram Thakur, R/o Village-Chapra, P.S.-Obra, District-Aurangabad.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar, Advocate
For the Opposite Party/s : Mr.Yogendra Kumar,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 05-04-2023 Learned counsel for the petitioners is permitted to remove the defect (s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Krishna Prasad Singh, learned senior counsel appearing for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in connection with Obra P.S. Case No. 209 of 2022, registered for the offence under Sections 354(A), 354,354(B), 354(D), 341,323,504/34 of the Indian Penal Code.

Allegation against petitioner No.1-Guddu @ Dhiraj Thakur is that he entered into the house of victim-1 and



attempted to commit rape upon her while allegation against petitioner No.2-Vikash Thakur is that he pressurized the victim-2 to establish physical relation with him on payment of Rs. 500/- and also abused her.

Learned senior counsel appearing for the petitioners submits that the petitioners have clean antecedent. They have falsely been implicated in the present case. He further submits that the allegation as alleged in the FIR is false and fabricated. No such occurrence had taken place and the victims have not been medically examined and the police, after investigation, submitted chargesheet against the petitioners and the petitioners are in custody since 21.05.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-cum-Special Exclusive Judge (POCSO), Aurangabad in connection with Obra P.S. Case No. 209 of 2022, with the following conditions:-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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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