

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46231 of 2022

Arising Out of PS. Case No.-6 Year-2022 Thana- MAHILA P.S. District- Madhubani

Jawahar Lal Singh Son Of Ram Sevak Singh R/O Village- Hath Letwa, Post-
Kamlabari, P.S.- Jaynagar, Dist.- Madhubani

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Dinesh Kumar Ram, Son of not known , R/o Hath Letwa, P.S.-Jaynagar,
District-Madhubani

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 53596 of 2022

Arising Out of PS. Case No.-6 Year-2022 Thana- MAHILA P.S. District- Madhubani

PAPPU KUMAR YADAV S/o Vinod Yadav R/o village- Hathletwa, P.S.-
Jaynagar, District- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dinesh Kumar Ram, Son of not known , R/o Hath Letwa, P.S.-Jaynagar,
District-Madhubani

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 46231 of 2022)

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate
	:	Mr. Mahesh Prasad, Advocate
For the State of Bihar	:	Mr. Binay Krishna, APP
For the Informant	:	Mr. Gagandeo Yadav, Advocate
	:	Mr. Ravi Prakash, Advocate
	:	Mr. Udesha Kumar Yadav, Advocate
	:	Mr. Rajesh Kumar, Advocate

(In CRIMINAL MISCELLANEOUS No. 53596 of 2022)

For the Petitioner/s	:	Mr. Bimal Kumar, Advocate
For the Opposite Party/s	:	Mr. Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 04-05-2023 Heard learned counsel for the petitioners, learned

counsel for the informant and the learned A.P.P. for the State in

both the applications.

The petitioners seek bail in connection with



(Madhubani) Mahila P.S.Case No.06 of 2022, F.I.R. dated 03.02.2022 registered for the offence punishable under Section 376D, 504,506,379,34 of the Indian Penal Code, Sections 4/6 of POCSO Act and Sections 3(i)(r)(s)(w)/3(2)(v) of SC/ST Act.

The prosecution case, in brief, as contained in the written application of the informant-cum-victim of the case is that on 20.01.2022 when the victim was cutting grass in the north of her house near a river, the accused petitioners alongwith other co-accused came with motorcycle and threatened her by showing her pistol and forcibly took her to an unknown place where both the accused persons committed rape with the victim for six days and prepared a video of that also. On 26.01.2022 the victim somehow escaped reached her home and told her mother about the occurrence and on 27.01.2022 when the family members and the victim went to the house of the accused, the family members of the accused abused them by using caste language.

Learned counsel appearing for the petitioners submits that the petitioner-Jawahar Lal Singh has clean antecedent and petitioner Pappu Kumar Yadav carries one more case other than the present one. They have falsely been implicated in the present case. No such occurrence had taken place as alleged in the FIR



and it appears from the FIR itself that the date of occurrence as alleged in the FIR is 20.01.2022 but the present FIR has been instituted on 03.02.2022 and the victim was recovered on 26.01.2022. Victim was misplaced since 20.01.2022 but the parents of the victim has not instituted any case before the police concerned and even after the recovery of the victim girl i.e. on 26.01.2022 the present false and fabricated case has been filed against both the petitioners on 03.02.2022 and even the victim has not located the place of occurrence as alleged in the FIR and medical report also does not support the allegation as alleged in the FIR and the police, after investigation, submitted chargesheet against both the petitioners and petitioner-Jawahar Lal Singh is in custody since 24.04.2022 and petitioner-Pappu Kumar Yadav is in custody since 14.07.2022 respectively.

Learned counsel for the informant as well as the learned APP for the State, on the other hand, have vehemently opposed the prayer for bail of both the petitioners and submits that there is direct allegation against both the petitioners.

Considering the aforesaid fact, 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 Additional Sessions



Judge-VI-cum-Special Judge POCSO, Madhubani in connection with Madhubani) Mahila P.S.Case No.06 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 bond 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.

(3) 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 antecedent, 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)

Nitesh/-

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