

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58753 of 2023

Arising Out of PS. Case No.-222 Year-2023 Thana- RAJPUR District- Buxar

Shashi Kumar S/O- Satyendra Singh Village- Rashen PS- Rajpur Distt- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Shankar Pathak, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 08-11-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with Rajpur P.S. Case No.222 of 2023, lodged on 11.06.2023, under Section 376D of the Indian Penal Code and Section 4/6 of the POCSO Act.

3. As per the prosecution, FIR has been lodged against three named and one unknown accused persons. The allegation of rape is there in the FIR and POCSO Act has also been added.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He submits that the alleged victim has deposed her statement under Section 164 Cr.P.C. before the Magistrate, in which she had completely denied the allegation made in the FIR. Vide order dated



08.09.2023, case-diary and statement of the victim girl recorded under Section 164 Cr.P.C. have been called for. From the said statement, it transpires that the present FIR has been lodged with a view to extort the money from the accused persons. The medical report is also attached in which age of the alleged victim has been asserted about 16 years.

5. Learned counsel for the State opposes the prayer for bail.

6. Considering the fact that antecedent of the petitioner is clean and he is in custody since 12.06.2023, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge, POCSO Court, Buxar, in connection with Rajpur P.S. Case No.222 of 2023, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J)

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