

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 70741 of 2023

Arising Out of PS. Case No.-22 Year-2021 Thana- MAHILA P.S. District- Siwan

RAMSNEHI RAJBHAR @ LADDU SON OF RAMLAL RAJBHAR
RESIDENT OF VILLAGE- CHIT BISRAON, PS- GUTHANI, DISTT-
SIWAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramadhar Shekhar, Adv

For the Opposite Party/s : Mr.Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 09-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
POCSO Tr. No. 81 of 2023, arising out of Mahila P.S. Case No.
22 of 2021 registered on 09.04.2021 lodged under Sections
376(DA) of the I.P.C. and 4/6 of POCSO Act.

3. As per the prosecution case, F.I.R. has been lodged
against six named accused persons including the present
petitioner and it has been alleged that primarily it is the well
known person of the petitioner naemly Madhav Gupta has
called her and committed rape of the victim and thereafter
petitioner and other persons has committed rape upon the



informant.

4. Counsel for the petitioner submits that from the content of the F.I.R., it is clear that occurrence has taken place on 04.04.2020 but case has been lodge on delay of five days i.e. on 09.04.2020. he further submits that there is a land dispute between the parties and it is due to this reason the name of the petitioner has also figured in the present case as they are the supporters of accused Madhav Gupta.

5. Counsel further submits that petitioner is innocent and has committed no offence. He further submits that petitioner is in custody since 08.06.2023 having clean criminal case pending against him, in which he is on bail. Counsel further submits that this Hon'ble Court at the time of hearing the anticipatory bail of the main accused i.e. Madhav Gupta, case diary has been called for and discussed in detail and thereafter, disbelieved the story of rape and granted anticipatory bail.

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

7. In the present facts and circumstances of this case particularly the fact that the main accused has been granted bail 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, Siwan in connection with POCSO Tr. No. 81 of 2023, arising out of Mahila P.S. Case No. 22 of 2021 , subject to the following conditions as well as the conditions laid down under Section 437 (3) of the Cr.P.C.

(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.



8. With this observation, the bail application stands
allowed.

(Dr. Anshuman, J)

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