

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64591 of 2023

Arising Out of PS. Case No.-250 Year-2023 Thana- SIMRI District- Buxar

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Rajendra Pandey Son of Chandrama Pandey R/o vill - Simri (Bakulahapatti),
P.S. - Simri, Distt. - Buxar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Vaishnavi Singh, Advocate

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 06-12-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Simri P.S. Case No.250 of 2023, lodged on 20.07.2023, under
Sections 341/370A/371/376/120B of the Indian Penal Code,
Section 4 of the Protection of Children from Sexual Offence
(POCSO) Act and Sections 3/4/5/7/8/9 of the Immoral Traffic
Prevention Act, 1956.

3. As per the prosecution, FIR has been lodged against
four named accused persons including the petitioner. There is
specific allegation in the FIR that the petitioner used to conduct
the work in violation of the Immoral Traffic Prevention Act in
his three storied building and when police got raid then the
accused persons were arrested and different persons were



recovered including victim lady.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He submits that it is true that raid has been made from the house of the petitioner. Counsel submits that it is not the house in which petitioner is residing rather it is a house which has been constructed by the petitioner for conducting marriages and for that he has appointed his Manager to look after. Counsel submits that after raid only he became aware that such wrong thing is running in his house. Counsel further submits that there are one criminal case pending against him in which he is on bail and presently he is in custody since 21.07.2023. Counsel further submits that charge sheet has already been submitted in this case.

5. Learned counsel for the State vehemently opposes the prayer for bail and submits that the antecedent of the petitioner is not clean. On early occasion also, the FIR was lodged for the same offence and presently he has been arrested in the same offence.

6. Upon the specific query of the Court that whether charge in this case has been framed or not. Counsel submits that as per his knowledge charge has not been framed.



6. In the present facts and circumstances of this case and the submissions made above, let the petitioner, above named, be granted bail **only after framing of the charge** 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 Act, Buxar, in connection with Simri P.S. Case No.250 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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