

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68121 of 2022

Arising Out of PS. Case No.-223 Year-2021 Thana- AANDAR District- Siwan

RAJAN SHARMA @ RAJAN KUMAR SHARMA S/o Sri Janak Kumar
Sharma @ Janak Sharma R/o Village- Usri Buzurg, P.S.- M.H. Nagar,
Hasanpura, Distt- Siwan, Bihar-841236.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar, Adv.

For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 16-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since 10.08.2022
in connection with Aandar (M.H. Nagar) P.S. Case No. 223/2021,
F.I.R. dated 20.11.2021, for the offences punishable under Sections
341, 323, 376, 504, 34 of the IPC, Section 3/4 of POCSO Act and
Section 66 of I.T. Act.

According to prosecution case, the petitioner is alleged
to have committed rape upon the victim after offering her food
mixed with some medicines in order to make her unconscious and
he also took pictures and videos and made them viral.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been implicated
in the present case. He further submits that it appears from the



F.I.R. that the present F.I.R. has been instituted on the basis of so called video footage which shows that the petitioner has committed wrong with the daughter of the informant. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and no such occurrence has taken place and even the police has not verified the genuineness of the video in question. He further submits that even the informant has not produced the video before the police for examination and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 10.08.2022.

Learned Additional Public Prosecutor for the State on the other hand on the basis of material available on record and the case diary has vehemently opposed the prayer for bail of the petitioner and submits that the statement of the victim was recorded under Section 164 Cr.P.C., in which, she has categorically stated that the petitioner has committed rape upon her but fairly submits that she has not disclosed the date of occurrence, on which date, the petitioner has committed rape upon her and only bold statement under Section 164 Cr.P.C., she has stated that the petitioner has committed rape upon her.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like



amount each to the satisfaction of the learned Special Judge
POCSO, Siwan in connection with Aandar (M.H.Nagar) P.S. Case
No.223/2021, subject to the following conditions:-

1. Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers 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 petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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