

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1991 of 2023

Arising Out of PS. Case No.-143 Year-2022 Thana- DANAPUR District- Patna

PAWAN TIWARI S/O Late Suri Tiwari @ Surendra Tiwari R/O Village-
Bherharia, P.S- Paliganj, District- Patna, at present Gola Road, P.S- Danapur,
District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh, Advocate

For the Opposite Party/s : Mrs.Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 20-06-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
05.03.2022 in connection with Special Case No.80 of 2022
arising out of Danapur P.S. Case No. 143 of 2022, F.I.R. dated
23.02.2022 registered for the offence punishable under
Sections 376(D),504,506/34 of IPC, Section 4 of the POCSO
Act, Sections 67,67A of I.T.Act, 2000.

Allegedly, co-accused Mantosh Kumar in
association with the petitioner and other accused person raped
the informant and made video thereof. It is further alleged that
they threatened the informant to make video viral if she
discloses about the occurrence to anyone.



Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case only on the basis that he is friend of co-accused, namely, Mantosh Kumar and Suraj Kumar. Further submits that except the aforesaid, no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and the statement of the victim under Section 164 Cr.P.C. was recorded in which she has categorically stated that the co-accused, namely, Mantosh Kumar has committed rape upon her and the petitioner has no concern at all with the alleged occurrence. Further submits that in fact the co-accused Mantosh Kumar and victim has performed the marriage at Vishnupad Mandir, Gaya and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 05.03.2022.

Learned counsel for the informant and learned APP for the State, on the other hand, have vehemently opposed the prayer for bail of the petitioner and submits that it has come during investigation that there is involvement of the petitioner in the present occurrence.

Considering the facts and circumstances of the case,



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 learned Additional Sessions Judge-VII-cum-Exclusive Special Court (POCSO), Patna in connection with Special Case No.80 of 2022 arising out of Danapur P.S. Case No. 143 of 2022, with 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/her absence on two consecutive dates without sufficient reason, his/her 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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