

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3368 of 2023

Arising Out of PS. Case No.-155 Year-2022 Thana- ITARHI District- Buxar

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BHUVAR RAI @ BHUVAR SINGH Son of Buwali Rai @ Buwali Singh
Resident of Village- Kukudha, P.S.- Itarhi in the district of Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate

For the Opposite Party/s : Mr. Binay Krishna, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-06-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
20.10.2022 in connection with POCSO Case NO. 75 of 2022
(arising out of Itarhi P.S. Case No. 155 of 2022), F.I.R. dated
27.05.2022 for the offences punishable under Sections 341, 323,
307, 354(a), 354(b), 504, 506/34 of the Indian Penal Code and
Section 3(i)(r)(wi) of SC/ST (POA) Act.

As per allegation, when the informant was going to
answer the call of nature, the accused persons including the
petitioner, outraged her modesty. When the villagers came there,
they fled away. When she went to complain the matter to the
house of the accused persons, they threatened her to kill.

Learned counsel for the petitioner submits that



petitioner is innocent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that bare perusal of the F.I.R. that the present occurrence took place on 25.05.2022 but the present F.I.R. has been instituted on 27.05.2022 after delay to two days without any explanation of delay. He further submits that the statement of the victim girl was recorded under Section 164 of Cr.P.C. in which she has categorically stated that the petitioner and other co-accused persons have molested her but she has not stated anything about the sexual assault. He further submits that similarly situated, co-accused, namely, Bajrangi Singh @ Bajrangi Rai has been granted bail by a co-ordinate Bench of this Court vide order dated 06.04.2023 passed in Cr. Misc. No. 2519 of 2023. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 22.10.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two criminal antecedents other than the present one, in which petitioner is on bail in both the



cases as mentioned in Para-3 of the bail petition.

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 Additional District and Sessions Judge-VI-cum-Special Judge, POCSO Act, Buxar in connection with POCSO Case NO. 75 of 2022 (arising out of Itarhi P.S. Case No. 155 of 2022), 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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