

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16551 of 2024

Arising Out of PS. Case No.-765 Year-2023 Thana- SIKARPUR District- West Champaran

Ramod Rai @ Bhuar Rai @ Amod Kumar @ Amod Kumar Rai, S/O
Ramnarayan Rai @ Narayan Ray R/O Village- Murli, P.O.- Maniyari, P.S.-
Shikarpur, District- West Champaran

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey
For the Opposite Party/s : Mr. Jai Narain Thakur- A.P.P.
Mr. Mayank Mohan- Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 03-07-2024 1. Heard learned counsel for the petitioner, the learned counsel appearing on behalf of the informant and learned APP for the State.
2. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 452, 376 and 511 of the Indian Penal Code and Sections 8 and 12 of the POCSO Act.
3. The learned counsel for the petitioner submits that the petitioner is a young boy aged about 24 years and has been falsely implicated in the instant case by the informant. It is further submitted that even the F.I.R. has been instituted after a delay of four days of the occurrence. It is next submitted that the date of occurrence is 21.09.2023 and the F.I.R. came to be



instituted on 25.09.2023 with an allegation that while the informant and his wife were away from their home when they received a call from his elder daughter on 21.09.2023 informing that in the night at 11.00 P.M., the petitioner entered their house and attempted to commit rape on the minor daughter of the informant, but on alarm the elder daughter woke up and raised an alarm based on which the villagers gathered, as such, the petitioner fled from the place of occurrence. Further, when the informant came back home and he went to the house of the petitioner for inquiry, the family members of the petitioner started fighting and threatening him. It is next alleged that the F.I.R. has been instituted after a delay as an attempt was made to resolve the dispute through *Panchayati*.

4. The learned counsel for the petitioner submits that it absolutely does not stand to reason that as to why the petitioner in midst of the night would go to the house of the informant for committing such an occurrence. It is further submitted that allegation is of attempt. It is next submitted that the F.I.R. does not even remotely suggest that as to how the petitioner entered the premises of the informant i.e. by breaking the door or through the terrace etc., which amply demonstrates that the petitioner and the victim were known to each other and



the petitioner might have gone to meet the victim when her elder sister saw them and raised an alarm. It is submitted that petitioner is a young boy with clean antecedent and if he is sent to custody in the nature of allegation, as alleged, in that event, his entire career would get jeopardized and chances are bright that he might come in contact with hardened criminals. It is further submitted that charge-sheet has been submitted under Sections 376 and 511 of the I.P.C., as such, since charge-sheet has been submitted, no useful purpose would be served by sending the petitioner to jail. It is further submitted that petitioner will not abscond rather will cooperate in the trial.

5. The the learned counsel appearing on behalf of the informant as well as learned A.P.P. opposes the anticipatory bail application of the petitioner, but then, are not in a position to rebut the submission of the learned counsel for the petitioner that the F.I.R. has been instituted after a delay of four days and the F.I.R. does not even remotely suggest that as to how the petitioner entered the house of the informant when it is not alleged that it was a forceful entry.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below



within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-cum- Special Judge, POCSO, Bettiah, West Champaran in connection with Shikarpur P. S. Case No.765 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C. subject to condition that one of the bailors of the petitioner shall be his father namely, Ramnarayan Rai @ Narayan Ray.

7. The application stands allowed.

8. However, it is made clear that in the event, if the learned trial Court comes to a conclusion that petitioner after his release is trying to delay the trial in any manner, the learned trial Court shall be at liberty to cancel the bail bonds of the petitioner forthwith after recording reasons.

(Satyavrat Verma, J)

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