

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20478 of 2024

Arising Out of PS. Case No.-405 Year-2023 Thana- RANIGANJ District- Araria

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Pappu Pain @ Murkusluis S/o Jawari Pain @ Amroshluis R/o vill -
Mirzappur, Kothi Bistoriya, ward no. 18, P.S. - Raniganj, Distt. - Araria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Raju Rishidev, Son of not known, R/o Village-Mirzappur, Kothi ward no.
18, P.S. - Raniganj, Distt. - Araria

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gopal Kumar Jha, Advocate
For the Opposite Party/s : Mr.Satya Nand Shukla, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 10-05-2024 Heard Mr.Gopal Kumar Jha, learned counsel for the

petitioner, learned counsel for the informant and Mr.Satya Nand

Shukla, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since

04.02.2024 in connection with Raniganj P.S. Case No. 405 of

2023, F.I.R. dated 14.10.2023 registered for the offence

punishable under Section 376 of IPC and Section 4 of POCSO

Act.

3. Allegation against the petitioner is that he caught

the victim girl and took her to the bush on the pretext of cutting

grass and forcefully fed her something and subsequently

committed rape with her.

4. Learned counsel appearing for the petitioner



submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. Further submits that from a bare perusal of the FIR it appears that the date of occurrence as alleged in the FIR is 10.10.2023 but the present FIR has been instituted on 14.10.2023 after delay of four days without giving any explanationn of delay and it appears from the FIR also that the informannt has alleged that the time of occurrence is in the morning but the victim in her statement under Section 164 Cr.P.C. she has stated that the time of occurrence is in the evening which suggests that the victim is not sure that when the occurrence took place and apart from that, the medical report of the victim does not support the allegation as alleged in the FIR and the statement of the victim under Section 161 Cr.P.C. it appears that the petitioner has only tried to molest the victim. Petitioner is in custody since 04.02.2024.

5. 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 there is direct and specific allegation against the petitioner and apart from that,



the victim has supported the case of the prosecution.

6. Considering the aforesaid facts, let the petitioner, above named, be released on bail **after framing of the charges** on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-VI-cum-Spl. Judge (POCSO) Araria in connection with Raniganj P.S. Case No. 405 of 2023, with the following conditions:-

(I) 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.

(II) 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.

(III) 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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