

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40850 of 2024

Arising Out of PS. Case No.-860 Year-2023 Thana- MANER District- Patna

Jaj Rai @ Jaj Kumar S/O Late Swarath Rai, R/O Village- Rampur, P.S.-
Maner, Dist- Patna.

... .. Petitioner

Versus

1. The State of Bihar
2. Renu Devi Wife of Chandesh Saw, R/o Village- Rampur, Sherpur, PS-
Maner, Dist- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ghanshyam Tiwary, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-07-2024 Heard Mr. Ghanshyam Tiwary, the learned counsel
for the petitioner and Mr. Rana Randhir Singh, the learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Special Case No. (POCSO)- 323 of 2023,
arising out of Maner PS Case No. 860 of 2023, FIR dated
08.12.2023, registered for the offences punishable under
Sections 341, 323, 354(B), 504 and 506 of the Indian Penal
Code and under Section - 8 of POCSO Act.

3. According to the prosecution case, the petitioner
tried to misbehave with the daughter of the informant and when
the informant inquired the same from the petitioner, he assaulted



the informant.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case due to previous dispute between the parties. He further submits that upon perusal of the FIR, it appears that the date of occurrence as alleged in the FIR is 05.12.2023, but the present FIR has been instituted on 08.12.2023 and apart from that, it is evident from the FIR itself that the informant has not disclosed as what happened with the daughter of the informant, only vague statement is there that the petitioner has misbehaved with her. He further submits that till date the statement of the victim has not been recorded under Section 164 of the Cr.P.C. by the prosecution.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and mainly the fact that petitioner has clean antecedent and the FIR has been instituted after a delay of three days with giving any explanation, let the petitioner, above-named, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be



released on anticipatory 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 Judge-VII-cum-Exclusive Special Court (POCSO Act), Patna, where the case is pending in connection with **Maner PS Case No. 860 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(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 learned trial Court 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 learned trial Court 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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