

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52928 of 2024

Arising Out of PS. Case No.-196 Year-2023 Thana- PIRPAINTI District- Bhagalpur

Sanjay Tanti S/O Late Sita Ram Tanti R/O Village- Bakharpur, P.S- Pirpainty
(Bakharpur), Distt.- Bhagalpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Victim X D/O Bateshwar Mandal R/O Village- Haldakhli Tola, P.S-
Bakharpur O.P., P.O- Pirpainty, Dist.- Bhagalpur- 813209

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr.Syed Maslehuddin Ashraf
For the State	:	Mr.Binay Krishna
For the O.P.-2	:	None

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 25-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State. Despite valid service of notice, nobody
appears on behalf of opposite party no. 2.

2. The petitioner seeks bail in a case registered for
offence under Sections 376(DA), 504, 506/34 of the Indian
Penal Code, Sections 4 / 8 of the POCSO Act, Sections 67(A) of
I.T.Act and Sections 3(2)(v)/ 3(1)(w) of the SC/ST Act.

3. As per prosecution case, on 04.06.2023 at about 10-
11 AM, while the victim had gone to *Bahiyar* for cutting grass,
in the meantime, four accused persons including this petitioner
caught her and committed rape upon her and also prepared
video of the incident.

4. Learned counsel for the petitioner submits that
petitioner is not named in the F.I.R. Name of the petitioner



transpired during course of investigation in the statement of the victim recorded under Section 161 Cr.P.C. wherein she has categorically stated that co-accused Raj Kumar committed rape, other two co-accused persons had caught her hands & legs, whereas this petitioner was making video of the incident and thereafter, they threatened her with dire consequences if she discloses the ordeal to anyone. Learned counsel for the petitioner submits that as per above statement of the victim, petitioner has not committed rape with her. Petitioner is in custody since 12.06.2023. Chargesheet has been submitted.

5. Learned A.P.P. for the State vehemently opposed the bail petition.

6. Considering the aforesaid facts and circumstances, let the above named petitioner 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 Exclusive Special Judge (POCSO)-cum-7th Addl. District & Sessions Judge, Bhagalpur in connection with PoCSO Case No. 124 of 2023, arising out of Pirpainty (Bakharpur) P.S. Case No. 196 of 2023.

(Prabhat Kumar Singh, J)

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