

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.80080 of 2023**

Arising Out of PS. Case No.-21 Year-2022 Thana- MAHILA P.S District- West Champaran

=====

RAGHVENDRA MISHRA @ LAPPU MISHRA son of Amar Mishra village-  
Patilar Ps- Chautrwa Dist- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Ranjit Thathera, S/o Dhru Thathera, R/o Village- Patilar, P.S. Chautrwa,  
Dist- West Champaran.

... .. Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Sujeet Kumar, Advocate  
For the Opposite Party/s : Mr. Anant Kumar 1, APP

=====

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

5      10-05-2024                      Heard the parties.

2. The petitioner is in custody in connection with Bagha Mahila P.S. Case No. 21 of 2022 for the offence punishable under sections 376, 313, 504, 506 and 34 of the Indian Penal Code and sections 3 & 4 of the POCSO Act lodged on 16.03.2022 by the informant, Setal Kumari.

3. As per the prosecution story, it is the petitioner, the married person who after luring the minor victim girl of marriage, made physical relationship and as per her 164 Cr.P.C. statement, twice forced her to abort. Later, she was abandoned when allegation is that some other persons also committed rape. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he



has already suffered by being in custody since 17.03.2022 (as stated in paragraph 21 of petition) and in that backdrop, when there is no sight of conclusion of trial in near future and he is ready to diligently appear on each and every date, he may be extended the relief.

5. Learned counsel appearing on behalf of the informant though opposes the bail petition but accepted the fact that the trial has still not been initiated.

6. Although the allegation against the petitioner is grave, he forced the minor girl to make physical relation and as per the allegation, she had to abort twice, solely on the ground that he has remained in custody since 17.03.2022, do not have criminal antecedent and as submitted by the learned counsel for the petitioner and has been accepted by the learned counsel for the informant that the trial has still not been initiated, this Court is inclined to extend him the privilege of bail with strict conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional District and Session Judge VII cum Special Judge, POCSO Bettiah, West Champaran, in connection with Bagha Mahila



P.S. Case No. 21 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

**(Rajiv Roy, J)**

kiran/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

