

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58260 of 2024

Arising Out of PS. Case No.-1 Year-2024 Thana- TILAUTHU District- Rohtas

Raghu Rajwar @ Raghu Ram, Son of Ramnath Rajwar, R/O-Village
-Maheshdih, P.S Tilauthu, Dist.- Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rita Devi, Wife of Late Lal Babu Rajwar, R/O- Village- Maheshdih,P.S.-
Tilauthu, Distt.- Rohtas

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwari, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

5 28-01-2025 Heard learned counsel for the petitioner and Mr. Jai
Narain Thakur, learned APP for the State.

2. The petitioner has prayed for bail in a case registered for the offence punishable under Section 376 (AB) of the Indian Penal Code and Section 4/6 of the POCSO Act.

3. The case of the prosecution is that the dumb daughter of the informant was playing in her khalian wherein the petitioner took the victim near bundle of pual and established physical relation. It has further been stated that some of the villagers have seen the occurrence, after this the informant went near her daughter and her daughter described the occurrence. It is further stated that the petitioner was



searched but he was not found in the village.

4. Learned counsel appearing on behalf of the petitioner has submitted that in this case there is no independent witness, the only witness is the brother of the informant though there is a statement in the FIR that some of the villagers have seen the occurrence, yet from perusal of the case diary it is clear that there is no villager who has seen the occurrence. From perusal of the medical report it transpires that the Doctor has found no sign of rape on the person of the informant, even hymen was found intact. Though there is allegation of rape against the petitioner but the role as well as expert opinion has not supported the occurrence. The petitioner is in custody since 05.01.2024.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court of A.D.J. VII-cum-Exclusive Special court (POCSO) Act, Rohtas



at Sasaram in connection with Tilauthu P.S. Case No. 01 of 2024.

7. Accordingly, the present bail application stands allowed.

(Ashok Kumar Pandey, J)

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