

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85043 of 2024

Arising Out of PS. Case No.-155 Year-2024 Thana- TARARI District- Bhojpur

RAJESH KUMAR RAI SON OF GORAKH RAI RESIDENT OF
VILLAGE- RAM NAGAR , P.S.-TARARI, DISTRICT-BHOJPUR

... .. Petitioner/s

Versus

1. The State of Bihar
2. BEAUTI KUMARI D/O PRAMOD SHARMA RESIDENT OF VILLAGE-
RAM NAGAR , P.S.-TARARI, DISTRICT-BHOJPUR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Malti Kumari, Advocate
For the Opposite Party/s : Mr. Harendra Prasad, APP
For the Informant : None

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

6 06-03-2025 Heard learned counsel for the petitioner and learned
APP for the State. None appears on behalf of the informant
despite valid service of notice. Perused the case diary.

2. The petitioner seeks bail in connection with Tarari
P.S. Case No. 155 of 2024 instituted for the offences under
Section 76 of the BNS and 7/8 of the POCSO Act.

3. Accusation against the petitioner is that he entered
the room of the informant and tried to commit rape upon her.
When she raised alarm, her family intervened and this petitioner
tried to flee away but sustained head injuries in the meantime.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.



Learned counsel further submitted that this petitioner had no intention to outrage the modesty of the informant. Learned counsel further submitted that before the present case, informant has also lodged Tarari P.S. Case No. 244 of 2022 for the same cause of action. Learned counsel further submitted that charge-sheet has been submitted in this case and cognizance has also been taken. Learned counsel further submitted that since the victim is herself the informant, therefore, there is no need for relying upon the Statement of the victim recorded under Section 183 of the BNSS. It has been submitted on behalf of the petitioner that the petitioner is in custody since 30.07.2024 and has one criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail, ***after framing of charge, if not already framed***, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Tarari P.S. Case No. 155 of 2024, subject to the



following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) 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.

(Rudra Prakash Mishra, J)

Alok Verma/-

U		T	
---	--	---	--

