

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.27925 of 2026**

Arising Out of PS. Case No.-35 Year-2023 Thana- MAHILA P.S. District- Siwan

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1. Pintu Gond Son of Late Rajendra Gond @ Rajendra Sah Resident of Village - Bhopatpura, P.S.- Mairwa, District - Siwan, Bihar.
  2. Patarka Gond @ Deepak Gond@ Deepak Kumar Son of Late Rajendra Gond @ Rajendra Sah Resident of Village-Bhopatpura, P.S.- Mairwa, District - Siwan, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Most. Lailun Khatoon wife of Late Mukhtar Ansari Resident of village-Bhopatpura, Ps - Mairwa, Dist- Siwan

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Vijay Shanker Tiwari, Advocate  
For the State : Mr. Rabindra Kumar, APP

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

ORAL ORDER

3      03-07-2026

Heard the parties.

2. The petitioner is in custody in connection with Siwan Mahila P.S. Case No. 35 of 2023 for the offence punishable under sections 376, 323 and 120 of the Indian Penal Code and section 4 and 6 of the POCSO Act, lodged on 31.07.2023 by the informant, Md. Lailun Khan.

3. As per the prosecution story, the complainant/informant alleged that the accused persons took her daughter and committed gang rape, as a result whereof, she became pregnant, though the lady tried in vain to lodge FIR, as the police delayed, the case was filed.



4. Learned counsel for the petitioner submits that they have already suffered by being in custody since 21.09.2023 and though the trial has commenced, it will take some time. Both of them shall be diligently appearing in trial, if granted relief, and in no way shall delay the trial failing which the State can take steps for cancellation of bail bond.

5. Learned APP opposes the prayer for bail the girl has made statement in the court.

6. Though the allegation is against the two petitioners is grave, the Trial Court report dated 27.06.2026 shows that out of six witnesses, only two witnesses have been examined, the petitioners are in custody since 21.09.2023 and an undertaking has been given that they shall be diligently appearing in trial, in that background, this Court is inclined to extend him the privilege of bail.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-I-cum-Special Court for POCSO, Siwan, Bihar, in connection with Siwan Mahila P.S. Case No. 35 of 2023 subject to the following conditions:

(i) one of the bailor should be the family



member/relative of the petitioner who shall provide official document (Aadhar Card/Voter Id/Driving License/Pan Card) 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 month for six months to mark his attendance and at the end of the period a certificate be submitted before the Trial Court;

(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)**

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