

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3073 of 2016

Arising Out of PS.Case No. -84 Year- 2015 Thana -KOTWALI District- -

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1. Birendra Ram @ Bijendra Kumar, @ Bijendra Ram son of Malak Ram,
Resident of Village- Pabherimore Dumra, P.S.- Dhanarua, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha

For the Opposite Party/s : Mr. Suman Kumari Singh (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 07-04-2016 Heard learned counsels for the petitioner and the

State.

The petitioner has renewed his prayer for bail in a
case registered for the offences punishable under Sections
376/511 of the Indian Penal Code.

The prosecution case is that the petitioner and co
accused Sanjay alias Sanjay Yadav made an attempt to
ravish the deaf and dumb lady inside a bus.

It is submitted by the learned counsel for the
petitioner that from perusal of the FIR it appears that the
accusation, at best, constitutes the offence under section
354 IPC. It is further submitted that for the occurrence of
11.2.2015 at 2 AM the FIR was registered on the same day

at 9.45 A.M. but the victim was not examined by any doctor. Statement to that effect has been made in paragraph 7 of the petition, the relevant portion of which reads as follows:

“.....She has not been examined by the doctor so there is no corroborative evidence of using criminal force against her.”

The report was called for from the leaned trial court. The report of learned 7th Additional Sessions Judge, Patna dated 22.3.2016 reflects that even charge has not been framed till date which reflects the casual manner in which the case is proceeding before the learned court below.

It is further submitted that similarly situated co accused Sanjay Kumar alias Sanjay yadav has been granted bail by a co-ordinate bench of this court vide Cr. Misc. No. 45136 of 2015. Statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent.

Considering the fact that the investigation has already concluded, there is no likelihood of the trial being concluded in near future and similarly situated co accused has been granted bail, 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 CJM, Patna in connection with Kotwali P.S. Case No. 84 of 2015.



(Dinesh Kumar Singh, J)

Anil/-

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