

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53135 of 2015

Arising Out of PS.Case No. -875 Year- 2014 Thana -BIHTA District- PATNA

=====

1. Ram Jeet Rai @ Ramji Rai, Son of Late Kapildeo Yadav, resident of
Village- Dilawarpur, P.S.- Bihta, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Lakshmi Kant Sharma, Advocate

For the Opposite Party/s : Mr. Sadanand Paswan (Spl.App)

=====

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

3 14-09-2016 Heard learned counsel for the petitioner and the
State.

Petitioner is languishing in custody since
20.11.2014 has renewed his prayer for bail in a case
registered for the offences punishable under Sections
376(G)/34, 4 of the Protection of Children from the Sexual
Offences Act and 3(2)(v), 3(i) (xi) of the S.C./S.T.(Prevention
of Atrocities) Act

The prosecution case is that on 20.11.2014 the
informant called her boyfriend Kaju through her mobile and
both sat under a tree situated under over bridge beside



H.P.C.L. near railway track, when four boys namely Deepak Kumar, Sonu Kumar, Chunchun Kumar and Nandu Kumar came and started assaulting her boyfriend Kaju and thereafter all the four boys ravished the informant one by one. Thereafter two persons aged about 40-45 years came at the place of occurrence and they started molesting the informant and expressed his desire to establish physical relationship, In the meantime, on alarm of the informant, nearby people came and the accused persons escaped from the scene. One of the persons, who ravished the informant was apprehended, disclosed his name as Deepak Kumar. The apprehended accused also disclosed the name of other three persons who ravished the informant as Sonu Kumar, Chunchun Kumar and Nandu Kumar, who escaped from the scene, whereas who disclosed the name of other two persons subsequently came on the spot as Bhoora Yadav and the present petitioner Ramjeet Rai @ Ramji Rai, who also escaped from the scene.

It is submitted by the learned counsel for the petitioner that even assuming the accusation no offence under Section 376(G)/34 is made out against the petitioner, nor any offence under Section 4 of the Protection of Children from the Sexual Offences Act is made out. Accusation also does not suggest any offence under



Sections 3 (2) (v), 3(i) (xi) of the S.C./S.T.(Prevention of Atrocities) Act. In 164 Cr.P.C. statement also the victim has not alleged any specific accusation against the petitioner and petitioner's name sprang up only on the confessional statement of Deepak Kumar. It is further submitted that earlier bail application of the petitioner was rejected vide order dated 08.05.2015, passed in Cr. Misc. No. 12108 of 2015. The report of the learned trial court suggests that though the charges have been framed under Section 376/511 of the Indian Penal Code and 3(2) (v) of the S.C./S.T.(Prevention of Atrocities) Act against the petitioner and Bhoora Yadav, but no witnesses have yet turned up. Statement has been made in para-3 of the petition that petitioner has no criminal antecedent.

Considering the observation given in the earlier rejection order and coupled with the report of the learned court below dated 31.03.2016, let the above named petitioner, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Ist Additional Sessions Judge, Patna in connection with Bihta P.S. Case No. 875 of 2014.

The learned court below shall be at liberty to cancel the bail bonds of the petitioner in case the

petitioner defaults without any reasonable cause on two consecutive occasions.

(Dinesh Kumar Singh, J)

P.K./-

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