

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13230 of 2016

Arising Out of PS.Case No. -248 Year- 2015 Thana -RAMNAGAR District-
WESTCHAMPARAN(BETTIAH)

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1. Santosh Ram, S/O Mohan Ram, resident of Village- Sapahi Bhawal, P.S.-
Ramnagar, District- West Champaran. Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Yadav

For the Opposite Party/s : Mr. Anil Pd. Singh(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

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27-06-2016

Heard learned counsel for the petitioner and learned

A.P.P. representing the State.

The petitioner seeks bail in connection with Ramnagar
P.S. Case No. 248 of 2015, POCSO Case No. 37 of 2015
registered for the offences punishable under Sections 341, 323,
354, 511 and 504/34 of the Indian Penal Code and Section 8 of the
POCSO Act.

In the First Information Report, it is alleged that the
petitioner tried to outrage the modesty of the daughter of the
informant but in the statement recorded under Section 164 Cr.P.C.,
the victim girl made allegation that the petitioner committed rape
with her.

Submission is of false implication and that the victim
girl has been examined by the doctor also, no recent sign of sexual
assault was found and her age was found between 12-14 years,
earlier the victim has not stated before the informant or before her

brother regarding rape but later on, to make the case serious, she under pressure gave her statement which is not believable however, now the matter has been compromised and both parties have filed compromise petition also. The petitioner without any fault is suffering in custody since 18.12.2015.

The learned APP opposes the prayer of bail.

In the facts and circumstances stated above, considering that in the First Information Report, there is no allegation of rape and also considering the detention of petitioner now he is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, Bagha, West Champaran in POCSO Case No. 37 of 2015 arising out of Ramnagar P.S. Case No. 248 of 2015, subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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