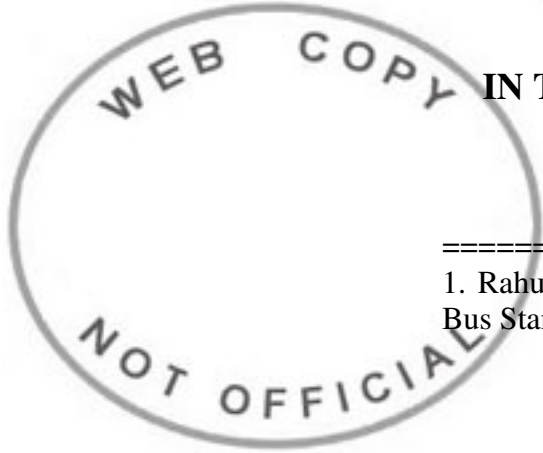




IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48658 of 2015

Arising Out of PS.Case No. -450 Year- 2015 Thana -MUFFASIL District-
WESTCHAMPARAN(BETTIAH)

=====

1. Rahul Kumar @ Rahul Son of Timal Prasad Resident of Village New
Bus Stand ,Bettiah P.s Bettiah town Distirct West champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

with

Criminal Miscellaneous No.53265 of 2015

Arising Out of PS.Case No. -450 Year- 2015 Thana -MUFFASIL District-
WESTCHAMPARAN(BETTIAH)

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1. Hasmuddin Son of Mustquim@Mustquim Alam resident of Mohalla-
Durganagar, New Bus Stand, Bettiah, P.s Bettiah town, District West
Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

(In Cr.Misc. No.48658 of 2015)

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Shahin Begum(App)

(In Cr.Misc. No.53265 of 2015)

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Madhuranand Jha(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

7 29-03-2016 Both the Criminal Miscellaneous are of the same

occurrence and as such have been heard together and are being

disposed of by passing this common order.

On behalf of the petitioner Rahul Kumar @ Rahul supplementary affidavit has been filed annexing photo copy of the deposition of Nagama Begam, the informant-victim of this case. Keep it on the record.

Heard the learned counsel for the petitioners as well as the learned A.P.P for the State.

The petitioners seek bail in a case for the offences punishable under sections 4 and 6 of the POCSO Act.

In the First Information Report the informant has alleged that she was raped in Raja Line Hotel by the co-accused Raj Kumar, the petitioners Rahul Kumar @ Rahul, Hasmuddin and Masoom but thereafter the informant filed petition alleging innocence of Masoom and Rinku Kumar, the owner of the hotel. Again she filed application that the petitioner Rahul Kumar @ Rahul was not involved in the crime and she does not identify him. During her deposition also in the court she did not identify Rahul Kumar @ Rahul but made allegation against petitioner Hasmuddin.

Submission is of false implication and that the informant is changing her version from time to time and as such she is not reliable, she was having love affairs with the co-accused

Raj Kumar and as Raj Kumar refused to marry with her resulting she has implicated Raj Kumar and the petitioners falsely resulting the petitioners are suffering in custody without any fault.

The learned A.P.P. seriously opposes the prayer for bail of petitioner Hasmuddin by submitting that in the deposition in court also the informant alleged that petitioner Hasmuddin and Raj Kumar have committed rape with her.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner Hasmuddin, I am not inclined to enlarge him on bail and accordingly, his such prayer stands rejected.

But, considering that during deposition in the court the informant has not identified the petitioner Rahul Kumar @ Rahul and has not made any allegation against him and as such the petitioner Rahul Kumar @ Rahul is directed to 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 the Additional District & Sessions Judge 1st – Cum- Special Judge, Bettiah West Champaran in Bettiah (Muffasil) P.S. Case No. 450 of 2015, subject to the conditions that one of the bailors must be a 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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