

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27307 of 2017

Arising Out of PS.Case No. -31 Year- 2017 Thana -SIKARPUR District-
WESTCHAMPARAN(BETTIAH)

=====

Kewal Ram, Son of Late Yogeshwar Ram, Resident of Tarahwa Bairiya,
P.S. Shikarpur, District-West Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Smt. Sharda Kumari

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

2 13-06-2017 Learned counsel for the submits that the date of institution of the First Information Report as stated in the Format is 21.01.2017 may be taken as correct and according to him 22.01.2017 mentioned in the fardbeyan as date of registration is a clerical error and hence it may be ignored.

In view of the explanation furnished by the learned counsel for the petitioner, let the defect be ignored at this stage.

Learned counsel for the petitioner with consent of learned A.P.P. prays for hearing the matter.

Heard Sri Bimlesh Kumar Pandey, learned counsel for the petitioner and Smt. Sharda Kumari learned A.P.P. for the State.

The learned counsel for the petitioner submits that



petitioner is aged about 60 years and the allegation against him is that he had been attempting to rape the girl aged about 5 years and when the informant reached there, he fled away. Learned counsel refers the Medical Report annexed as Annexure-03 to this petition and submits that according to physical, pathological and radiological report there was no recent signs of assault and there was no visible injury on the private or any other part of the body. Learned counsel further submits that the petitioner is in custody since 23.01.2017 having no criminal antecedent and both petitioner and the informant are co-villagers and neighbours and the petitioner has been falsely implicated in the present case. He further submits that in this case investigation is over and there is no chance of tampering with the evidence and the petitioner undertakes to cooperate in the trial.

The learned A.P.P. opposed the prayer for bail pointing out the age of the girl. However, on the face of the Medical Report (Annexure-03) no significant evidence could be produced.

Considering the facts and circumstances of the case particularly the medical report and the fact that petitioner has no criminal antecedent and he is in custody since 23.01.2017, I am inclined to grant regular bail to the petitioner on furnishing bail



bond of Rs. 10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the 1st Addl. Sessions Judge-cum-Special Judge, Bettiah, West Champaran in connection with Shikarpur P.S. Case No. 31 of 2017, subject to the condition under Section 437 (3) Cr.P.C. and that petitioner shall cooperate in the trial and in case of two regular defaults in appearance, the bail bond of the petitioner shall be cancelled by the Court below.

(Rajeev Ranjan Prasad, J)

manish/-

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

