

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25194 of 2018

Arising Out of PS.Case No. -6 Year- 2018 Thana -EKMA District- SARAN

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Surendar Ram, Son of Devpujan Ram, Resident of Village- Chakmira, P.S.-
Ekma, District- Saran.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Arjun Prasad Kunwar, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 03-05-2018 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody since 28.3.2018 in connection with Ekma P.S. Case No.6 of 2018 for the offences alleged under Sections 147, 148, 149, 341, 323, 307, 337, 338, 354A, 504 of the Indian Penal Code and 8 of POCSO Act.

3. It is submitted that the petitioner has been falsely implicated and the accusations are general and omnibus against all four accused persons including the petitioner. The F.I.R. has been instituted in the backdrop of land dispute between the parties, who are all related to each other. The accusation of assault with lathi, danda is not corroborated by any injury report. The so-called victim girl is about 20 years of age and as such provisions of



POCSO Act are not attracted, when the ingredients of the offences there under are also not alleged. It is submitted that similarly situated co-accused Rajendra Ram has been granted bail. Petitioner claims clean antecedent.

4. Be that as it may, having regard to the entirety of the facts and circumstances of the case, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount leach to the satisfaction of learned 1st Addl. Sessions Judge Cum Special Judge, POCSO Act, Saran at Chapra, in connection with Ekma P.S. case No.6 of 2018, on the following conditions :

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) The petitioner shall cooperate with the investigation, if not already concluded, and make himself



available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Vikash Jain, J)

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