

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.1181 of 2018

Arising Out of PS.Case No. -686 Year- 2017 Thana -SHASTRINAGAR District- PATNA

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1. Dr. Ramanuj Singh, S/o Late Ramashish Singh, R/o Flat No. 11, Draupdi Apartment, Behind of J.D. Women's College, P.S. - Shastrinagar, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madhuri Lata

For the Opposite Party/s : Mr. Akhileshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 15-03-2018

Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 376/511 of the Indian Penal Code, Sections 8/12 of the of the Protection of Children from Sexual Offenses Act, 2012 and Sections 41/44 of the Child Labour Prohibition Act.

On 11.11.2017, *fardbeyan* of victim Puja Kumari was recorded wherein she alleged that taking advantage of loneliness in the house the petitioner in the night of 10.11.2017 proposed sexual coloured act with the informant. On the next date, with the help of a person, who is residing in the neighbouring flat, the FIR was lodged.

The victim was examined by a Medical Board and the



Medical Board opined that no evidence of sexual assault was found. On the same day i.e. 14.11.2017, the statement of the victim was recorded under Section 164 Cr.P.C. wherein she for the first time stated that wife of the petitioner to whom she used to address as Nani assaulted her with Chhalani and the petitioner on the alleged date of occurrence had committed rape against her.

Submission of the learned counsel for the petitioner is that entire false and concocted allegation is at the instance of Mr. Bindeshwari Singh, Yogendra Prasad Singh and Kameshwar Kumar who are witnessed on the FIR as the petitioner had deposed against them in some other matter relating to illegal construction made by the aforesaid persons. He further submits that the petitioner is suffering from cancer and for treatment by order dated 12.02.2018 a Bench of this Court had allowed provisional bail for a period of four weeks to the petitioner.

However, the disease is still persisting and the petitioner requires regular check-up. Moreover the petitioner was in custody since 11.11.2017 before release on provisional bail in pursuance of order dated 12.02.2018.

Considering the fact that there is improvement in the version of the victim in the statement under Section 164 Cr.P.C. as well as considering the nature of illness of



the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Special Case No. 169 of 2017 arising out of Shastrinagar Police Station Case No. 686 of 2017, subject to the condition that the petitioner shall fully cooperate with the investigation and trial of the case, failing which the court below may take appropriate action accordingly.

(Birendra Kumar, J)

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