

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27942 of 2018

Arising Out of PS.Case No. -413 Year- 2017 Thana -MUFFASIL District-
WESTCHAMPARAN(BETTIAH)

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Sujeet Ram @ Sujeet Kumar Son of Prabhu Ram Resident of Village-
Amwa Majhar, P.S.- Muffasil, District- West Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satyavrat Verma

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 12-07-2018 Heard learned counsel for the petitioner, Learned
counsel for the informant and learned APP for the State.

Petitioner seeks bail in connection with Muffasil P.S.
Case No. 413 of 2017 for offences punishable under Section
366(A) of the Indian Penal Code although charge-sheet has been
submitted under Sections 363, 366A, 328, 376D of the I.P.C. and
Section 6 of the POCSO Act.

The prosecution case, as lodged by the informant, is
that his 16 year old daughter Roshni Kumari went to her coaching
and did not return. It is alleged that the petitioner along with his
father co-accused Prabhu Ram and mother Manju Devi must have
kidnapped her for the purpose of marriage.



It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and is languishing in judicial custody since 04.10.2017 and that charge-sheet has already been submitted. He submits that there was a love affair between the petitioner and the victim girl and she had eloped with him out of her own sweet will.

However, learned counsel for the informant submits that though the date of occurrence is 03.10.2017, the F.I.R. has been lodged on 04.10.2017 and the victim girl has been examined on 05.10.2017. The victim girl also in her statement before the Magistrate has named the petitioner along with co-accused Sudarshan Ram to have committed rape on her and the petitioner in his confessional statement before the police has also confessed of having committed rape along with three co-accused Sanjay Ram, Deepak Ram and Sudarshan Ram. He submits that the prayer for bail of co-accused Sudarshan Ram has been rejected by this Court.

Learned APP for the State also opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, I am not inclined to grant privilege of bail to the



petitioner in connection with Muffasil P.S. Case No. 413 of 2017, pending in the court of learned Chief Judicial Magistrate, West Champaran, Bettiah.

The application is, accordingly, rejected.

On perusal of the case diary, especially the medical report dated 05.10.2017, it appears that M.O., P.H.C. Nautan opined the age of the victim to be 17-19 years with no signs of rape and no injury. In para 52 of the case diary again a medical examination was done on 15.10.2017 by the M.O., P.H.C. Nautan by one doctor R.B. Yadav, who has assessed her age to be 16+1 years and has found blood clots in her hymen and has opined that hard blunt exliudsieal object has been inserted through her private part. The two medical reports dated 05.10.2017 and 15.10.2017 are contradictory as to its findings. Hence, the Superintendent of Police Bettiah, West Champaran is directed to investigate and file a report before this Court after four weeks.

The Registry to communicate the order through FAX to the Superintendent of Police, Bettiah, West Champaran.

(Nilu Agrawal, J)

Devendra/-

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