

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62892 of 2017

Arising Out of PS.Case No. -5 Year- 2017 Thana -KASHICHAK District- NAWADA

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Santu Ram @ Sintu Ram, Son of Dinesh Ram, Resident of Village-
Jagdishpur (Shahpur), Police Station- Kashichak, District- Nawada.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate

For the Opposite Party/s : Mr. Surendra Kumar, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 03-01-2018 Heard learned counsel for the petitioner and the

learned APP for the State.

This is the second round of litigation. Earlier the bail application of the petitioner was rejected by order dated 18.10.2017 passed in Cr. Misc. No. 44543 of 2017. Petitioner is languishing in judicial custody since 19.07.2017 in connection with Sessions Trial No. 724 of 2017/ 140 of 2017 arising out of Kashichak P.S. Case No. 05 of 2017 registered for offences punishable under Sections 363 and 365 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that his daughter, Raveena Kumari aged 14 years went for natural call and his minor daughter was taken away by the petitioner and co-accused, Dinesh Ram and Vicky Ram, who are father and brother of the petitioner respectively. The said occurrence is



alleged to have been seen by the mother of the victim girl and one Rita Devi.

It has been submitted by the learned counsel for the petitioner that he is innocent and that he bears no criminal antecedent and because of being on inimical terms, he has been falsely implicated in the aforesaid case. It is further submitted that the date of occurrence is 18.01.2017, but the First Information Report has been lodged on 27.01.2017 and no plausible explanation has been given for such delay. He submits that as per medical report, the age of the victim girl has been assessed as 18-20 years, as such, she is a major. It is further submitted that the victim girl in her statement under Section 164 of the Cr.P.C. has stated that petitioner had taken her away to Chennai in a train and had committed rape, which is not supported by any cogent evidence, as she has been taken away in public transport. He submits that charges have been framed and the petitioner undertakes to cooperate in the trial on day to day basis.

However, learned APP for the State opposes the prayer for bail stating therein that the victim girl in her statement under Section 164 of the Cr.P.C. has alleged that petitioner committed rape on her.

Considering the facts and circumstances and the



materials on record as well as the undertaking of the petitioner, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 5th, Nawada in connection with Sessions Trial No. 724 of 2017/ 140 of 2017 arising out of Kashichak P.S. Case No. 05 of 2017, subject to the following conditions:

- (1) Both the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating their relationship with the petitioner.
- (2) The petitioner will appear before the learned Court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J.)

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