

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29932 of 2018

Arising Out of PS.Case No. -164 Year- 2017 Thana -JANDAHA District- VAISHALI(HAJIPUR)

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Santosh Kumar, Son of Devendra Ram, Resident of Village- Dih Uchauli,
P.S.- Jandaha, District- Vaishali.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur

For the Opposite Party/s : Mr. Sri Manish Kumar 2

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 02-07-2018 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Jandaha P.S. Case No.164 of 2017 registered for the offences
punishable under Section 376(G) of the Indian Penal Code and
Section 10 of POCSO Act.

The informant in her written report has alleged that on
16.09.2017 at about 3:00 am when she had gone outside for call
of nature, this petitioner and two others lifted her daughter
towards bamboo bush and committed rape on her.

It has been submitted that the petitioner and others co-
accused have been implicated by the informant at the instance of
some villagers in order to put pressure to compromise the murder



case. The informant at the initial stage of investigation in her statement under section 161 of Cr.P.C. has not supported the allegation of rape but subsequently she gave tutored version before the magistrate. The witnesses in course of investigation have stated that recently one Bindeshwar Ram was murdered by extremist. In the said murder case one Ramdeo Ram and others were made accused. The accused persons put pressure to withdraw the murder case and on failure to get the matter settled, the accused of said murder case under conspiracy has got this case lodged against the petitioner and co-accused who are nephew of deceased Bindeshwar Ram. The petitioner is in custody since 17.09.2017 having clean antecedent and so he deserves bail.

The learned A.P.P. for the State opposed the submission.

Considering the facts and circumstances of the case, the prayer of bail is allowed. The petitioner, named above, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, POCSO, Vaishali at Hajipur in connection with Jandaha P.S. Case No.164 of 2017, subject to the following



conditions:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) If the petitioner is found involved in future in similar type of allegation, the prosecution will have liberty to move for cancellation of bail.
- (iv) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

(Sanjay Kumar, J)

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