

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61959 of 2018

Arising Out of PS. Case No.-153 Year-2018 Thana- EKMA District- Saran

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1. Uday Kumar @ Mukund Jee, son of Shivshambhu Prasad Narayan Singh,
 2. Bala Jee, Son of Parmeshwar Shah, Both resident of Village- Parsagadh, P.S.- Ekma, District- Saran.
 3. Satya Prakash, Son of Purshottam Ray, resident of Village- Hariharpur Tola Parsagadh, P.S.- Ekma, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ansul

For the Opposite Party/s : Mr. Sri Ramchandra Sahani

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 01-11-2018 Heard learned counsel for petitioner, learned counsel
for the State as well as learned counsel for the Informant.

Petitioners seeks bail in **Ekma P.S. Case No. 153 of 2018** registered for the offence punishable under Sections 376(G) and 506 of the Indian Penal Code.

Allegation against petitioners who are Principal and Teachers of school and 16 other students is of committing rape with informant for last 6-7 months and also on 04.07.2018 and 05.07.2018 and written complaint is made on 06.07.2018.

It has been submitted on behalf of the petitioners that they are innocent and have been falsely implicated in this case as the petitioners have opposed the father of the Informant who



was contesting the election of Mukhiya. The father of the victim girl is accused in large number of cases. It has been submitted on behalf of the petitioners that the rape was committed by number of persons. The Medical Board was constituted and examined the informant on 06.07.2018 and found no injury in and around her private part. No sign of any recent intercourse was found. No spermatozoa was found. Father and son both have been made accused. Her age has been assessed to be 16 to 17 years. Petitioners have got no criminal antecedent. Petitioner nos. 1 and 2 are in custody since 07.07.2018 and petitioner no. 3 is in custody since 24.07.2018.

Learned counsel for the Informant vehemently opposes the prayer for bail.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on bail upon furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned **Special Judge, POCSO Act, Chapra**, in connection with **Ekma P.S. Case No. 153 of 2018**, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.



(2) Petitioners shall co-operate in the trial and shall be represented on each and every date fixed by the court.

(3) If the petitioners tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(S. Kumar, J)

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