

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7995 of 2019

Arising Out of PS. Case No.-982 Year-2018 Thana- DEHRI TOWN District- Rohtas

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Bhanu @ Bhanu Pratap, aged 30 years, Male, S/o Santosh Kumar Singh @
Kundan Singh, Resident of village-Sidhauri, Police Station Dalmianagar,
District Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramakand Sharma, Sr. Adv.

Mr. Uday Chand Prasad, Adv.

For the Opposite Party/s : Mr. Satyavrat Verma, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-02-2019 Heard learned counsels for the petitioner and the
State.

The petitioner is languishing in custody since 08.11.2018
in a case registered for the offences punishable under Sections
363 and 376(g) of the IPC and under Sections 4 and 8 of the
POCSO Act.

The prosecution case, as per the fardbeyan of Gulaosa



Khatoon, dated 07.11.2018 at 03.00 P.M. recorded by Arti Devi, A.S.I., Mahila P.S., Dehri, Rohtas is to the effect that on 03.11.2018 at about 11.00 A.M., when the informant was going to school, on the way co-accused, Rahul came on a motorcycle and offered her that he would drop her to the school, whereupon, she went along with the co-accused, but instead of dropping her to school, he went ahead. In the meantime, the petitioner, Bhanu @ Bhanu Pratap also came there and thereafter, the petitioner and co-accused, Rahul, both threatened the informant to kill, if she makes noise. Subsequently, the accused persons including the petitioner took the informant to a boring and ravished her on by one and on protest being made by the informant, they assaulted her also. It is further alleged that on the next day, between 8.00 to 9.00 P.M., a labourer of the village of the informant was passing through the place of occurrence, then he recognized the voice of the informant and informed her father. After having received such information, when the father of the informant along with other co-villagers came at the place of occurrence, then six accused persons escaped from the scene.

It is submitted by learned counsel for the petitioner that for the occurrence of 03.11.2018, the FIR has been registered on



07.11.2018. In the statement of the victim recorded under Section 164 of the Cr. P.C., the victim got her age recorded as 15 years, whereas, the learned Court below has assessed her age as 16 years, wherein the victim though has named one Bhattu, but has not named the petitioner. Moreover, the victim has specifically stated in her statement recorded under Section 164 Cr. P.C. statement that she actually did not recognize the accused persons who ravished her. It is further submitted that the medical report of the victim does not suggest any injury on the private part of the victim and does not corroborate the accusation of rape. Moreover, the investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by the learned APP for the State that the accusation of committing rape upon the informant is specific against the petitioner and he is named in the FIR.

Considering the fact that though the petitioner was named by the victim in the FIR but in her subsequent statement recorded under Section 164 of the Cr. P.C., she declined to recognize the persons who actually ravished her, the accusation of rape not being corroborated by the medical opinion, coupled with the statement made in paragraph no.3 of the petition that



the petitioner is not having any criminal antecedent, let the above named petitioner be released on bail on furnishing bail bonds 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 Act Court, Rohtas at Sasaram**, in connection with **POCSO Case No.83 of 2018** arising out of **Dehri (Dalmianagar) P.S. Case No.982 of 2018**.

(Dinesh Kumar Singh, J)

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