

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11602 of 2019

Arising Out of PS. Case No.-69 Year-2018 Thana- BIHTA District- Patna

RANJEET KUMAR Son of Ganeshi Yadav Resident of Village - Kinari, P.S.-
Jehanabad, District - Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Nagendra Kumar, Advocate Mr. Kula Nand Jha, Advocate Ms. Asha Kumari, Advocate
For the State	:	Mr. Arun Kumar Singh, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 17-04-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner has been in custody since 19.03.2018 in connection with Bihta P.S. Case No. 69/2018 registered for the offence punishable under Sections 366, 376(G) of the Indian Penal Code and Section 3/8/12 of the POCSO Act.

The prayer for bail of the petitioner was earlier rejected in view of the categorical statement given by the victim girl that she had been continuously exploited sexually by the petitioner and taking into consideration the fact that she was a minor, the prayer for bail was refused.

Learned counsel for the petitioner however, submits that the petitioner is renewing his prayer for bail after one year in view of the fact that now charges have been framed and the



petitioner is willing to co-operate in the trial and has already been in custody since a considerable length of time. Learned counsel for the petitioner further submits that during the course of investigation, it has come to the forefront that the petitioner and the victim girl were, in fact, having some relationship and pursuant thereto the petitioner had married her in a Temple and, thereafter, had taken her to his village home and had been living with her. It was only after his previous wife started making threats to him of filing a case then the petitioner took her and left her near the Mahila Thana. Learned counsel for the petitioner next submits that during the course of investigation, it has also come to the forefront that the maternal uncle of the victim girl was in constant contact with the father of the present petitioner through their respective mobile numbers. The call details of which continuously reveals that they were in contact with each other. It has also come to light that the petitioner and the maternal uncle of the victim girl were working together at one place and it was there that their association had started.

So far as the criminal antecedent of the petitioner is concerned, the only other case which has been registered against him, is by his previous wife under Section 498-A which clearly shows that there were differences between him and his previous



wife and that he had re-married. The age of the victim girl as per the medical report has been stated to be between 17-18 years and there appears from the materials available in the case diary that there was some association between the petitioner and the victim girl prior to the alleged occurrence.

Considering that there is distinct cloud on the prosecution story and that also the petitioner has been in custody since over a year, let the petitioner above named be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special judge POCSO, Patna, in connection with Bihta P.S. Case No. 69/2018, subject to the following conditions:-

(1) Father of the petitioner will be the bailor.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the



investigation, if not already concluded, and make himself
available as and when so required and in case of failure, the
State shall be at liberty to move for cancellation of bail.

(Anjana Mishra, J)

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