

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15783 of 2019

Arising Out of PS. Case No.-70 Year-2017 Thana- MAHILA P.S. District- Bhojpur

Chandra Bhushan Ram Son of Bigan Ram Resident of Village- Agion, P.S.-
Agion, District- Bhojpur (Ara).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 19-06-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is languishing in custody for the offences punishable under Sections 376(d)/354(d)/506 of the Indian Penal Code and Sections 4/10 of the POCSO Act.

According to FIR, the petitioner allegedly ravished to the informant just a month after the Holi festival. However, FIR was lodged on 04.07.2017.

Earlier prayer for bail was refused on 23.04.2018 and the trial Court was directed to conclude the trial within nine months whereas the petitioner was allowed to renew the prayer if the trial is not concluded within the aforesaid period.



Submission is that the petitioner is in custody since 20.07.2017. The report of the trial Judge would reveal that the case is still running for prosecution evidence. The medical report of the victim would reveal that she was carrying pregnancy since last seven months on the date of examination on 04.07.2017 which goes to show suppression of the material facts about her previous affairs. In fact, the father of the petitioner of this case had lodged Agion (Garhani) P.S. Case No.44 of 2017 against the father of the informant of this case and this case has been lodged by way of retaliation.

Considering the entire facts especially the period already undergone and chances of non-conclusion of trial in near future, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Mahila P.S. Case No.70 of 2017, with following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below having immovable property in his name.

(b) The petitioner shall fully cooperate with the trial



of the case, failing which the court below shall be at liberty to
cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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