

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29757 of 2019

Arising Out of PS. Case No.-356 Year-2018 Thana- GAYA MUFASIL District- Gaya

Ranjit Kumar Son of Ram Chandra Das Resident of Village - Surthua, P.S.-
Tehta, O.P (Makhdumpur), Dist.- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sharma

For the Opposite Party/s : Mr.Bhanu Pratap Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 16-11-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 16.10.2018 in a case registered for the offences punishable under Sections 376(3), 376DA, 354(D)(II), 341, 342, 323, 452/34 of the Indian Penal Code, Section 6 of the Protection of Children from Sexual Offences Act, 2012 and Sections 67/67(A)/67(B) of Information Technology Act, 2008.

The prosecution case got initiated on the basis of written report of Rakesh Kumar, A.S.I., Gaya Muffasil Police Station submitted to Inspector of Police -cum- Station House Officer, Gaya Muffasil is to the effect that on 13.10.2018 at 7.00 P.M. an information was received that a girl, resident of Surheri



village has been ravished and video of the same has gone viral. The local Choukidar identified 10 persons including the petitioner after seeing the video, leading to the registration of the case where it was disclosed that one Yugesh Kumar, boyfriend of the victim, was in a house along with the victim when all the accused persons attacked and assaulted the Yugesh, ravished the victim and made a video recording of the same and made it viral.

It is submitted by learned counsel for the petitioner that only on the basis of suspicion, the accusation has been levelled against the petitioner. It is further submitted that for the alleged incident which took place on 25.08.2018, neither Yugesh Kumar nor the victim reported to anyone and only when the police took action on basis of the viral video, FIR was registered on 13.10.2018. The medical examination of the victim was conducted on 13.10.2018 but it did not corroborate the accusation of rape. The statement of the victim was recorded on 16.10.2018 where she named the petitioner along with others also whereas Yugesh's statement was also recorded who was with the victim at the time of alleged occurrence, but he also has not named anyone including the petitioner. Moreover, similarly situated co-accused Guddu Manjhi, whose name sprang up



on the basis of alleged video, has been granted bail by a Co-ordinate Bench of this Court vide order dated 27.09.2019 passed in Cr. Misc. No. 41402 of 2019. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP after going through the case diary submits that the victim has identified the petitioner but has not denied the fact that the victim was with her boyfriend at the time of alleged occurrence and neither of them reported the matter to anyone nor they made any complaint in that regard and only after when, after the police got initiated the case on the basis of viral video, and the medical opinion does not corroborate the accusation of rape of the victim.

Considering the delayed lodging of the case, accusation not being corroborated by medical opinion and neither the victim nor her boyfriend named the petitioner coupled with the statement made in paragraph 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 bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 1st -cum- Special Judge (POCSO Act), Gaya. in



connection with Gaya Muffasil P.S. Case No. 356 of 2018
(POCSO Case No. 107 of 2018).

(Dinesh Kumar Singh, J)

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