

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65221 of 2018

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

=====

Gourav Kumar @ Gaurav Kumar S/o Binod Kumar Singh R/o Village-
Badheyan P.S. Ekma Distt.-Saran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Kundan Kumar Singh

For the Opposite Party/s : Mr.Sri Mustaque Alam

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 15-04-2019 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 376(g), 506 of the
Indian Penal Code and Sections 4/6 of the POCSO Act.

The prosecution case got initiated on the basis of written
report of Tanu Kumari submitted before the Station House
Officer, Ekma Police Station is to the effect that the informant
is a student of Class-V in Vidya Bal Niketal, Parsagarh and six
months prior to the date of submitting the written report, the co-
students namely Mohit Kumar, Suraj Kumar and Sarfaraz, on
the point of knife, ravished her one by one and escaped from the
scene. In the meantime, the principal of the school came and
saw the victim and asked her about the incident, whereupon,
when the informant narrated the incident to the principal, he



threatened her not to disclose this incident to anyone otherwise she will be killed. It is further alleged that ten days after the incident when the informant went to school, co-accused Uday Kumar ravished her. It is further alleged that 10-12 days thereafter, two teachers of the school namely Satya Prakas and Bala Jee ravished the informant in the office of the school and thereafter several students including the petitioner also ravished her. It is further alleged that the victim was lastly ravished on 4.07.2018 and 5.07.2018 by the accused persons.

It is submitted by learned counsel for the petitioner that the petitioner has falsely been roped in the present case. In fact, the prosecution case itself appears to be unreasonable as allegedly the victim was ravished six months prior to the date of lodging of the FIR, but the FIR was registered on 06.07.2018. It is further submitted that the victim was allegedly lastly ravished on 05.07.2018 and the medical examination was conducted on 06.07.2018, wherein the doctor has assessed her age between 16-17 years, but no sign of rape has been found by the doctor on the body of the victim. 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 learned APP for the State that there is



specific accusation against the petitioner and others in the FIR.

Considering the delayed lodging of the case more than six months after the initial occurrence, the informant was allegedly lastly ravished on 05.07.2018 and the medical examination of the victim was conducted on 06.07.2018, similarly situated co-accused Uday Kumar has been granted bail by a Co-ordinate Bench of this Court, but no sign of rape has been found by the doctor on the body of the victim and hence the accusation of rape being not corroborated by the medical opinion, coupled with 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 anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ADJ-I-cum-Special Court, POCSO Act, Chapra, in connection with Ekma P.S. Case No.153 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

U		T	
---	--	---	--

