

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5326 of 2020

Arising Out of PS. Case No.-218 Year-2018 Thana- BARGAINIA District- Sitamarhi

RAUSHAN KUMAR, aged about 24 years (Male), Son of Krishna Chandra Prasad, Resident of Village-Telhara Kalan, P.S.-Kundwa, District-East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Shakil Ahmad Khan, Advocate.
For the Opposite Party : Mr.Damodar Prasad Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 03-09-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in a case for the offence registered under Sections 363, 366(A)/34 of the I.P.C. Subsequently, Section 376 of the I.P.C. was also added.

The prosecution story, in brief, is that on 07.09.2018, accused persons including the petitioner enticed away the minor daughter of the informant, namely, Neha Kumari, aged about 13 years, while she had got outside for tuition.



Earlier bail application of the petitioner was rejected vide Cr. Misc. No. 18485 of 2019 under order dated 11.07.2019, annexed as Annexure-1 to the present application, with an observation/direction to the learned court below to conclude the trial preferably within a period of six months from the date of the said order. In light of the said observation/direction, the present bail application has been preferred.

A report was called for the learned court below regarding the present stage of the case. It has been reported that the cognizance has been taken and the case is pending for commitment.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 14.09.2018. The petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The victim has been recovered. Her statement has been recorded under Section 164 Cr. P.C. The medical report of the victim is Annexure-3 to the present application. As per medical report, her age is assessed to be 18-19 years. There is no positive finding by the medical doctor in respect to the physical assault



or sexual assault upon the victim.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the fact that the petitioner has already remained in custody for about two years and there is no chance of trial being concluded in near future and also the lockdown, the petitioner above named, is directed to be released on bail on his personal bond to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi, in connection with Bairgania P.S. Case No. 218 of 2018.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) with two sureties of the like amount each within a period of four weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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