

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16258 of 2020

Arising Out of PS. Case No.-180 Year-2019 Thana- PIPRAKOTHI District- East Champaran

RAJ KUMAR @ RAJ KUMAR SAHANI S/o Khalifa Sahani R/o village-
Majhariya, P.S.- Pipra Kothi, District- East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Umesh Chandra Verma, Advocate Mr. Abhishek Kumar, Advocate Mrs. Rashmi Jha, Advocate Mr. Sharad Kumar Verma, Advocate
For the Respondent State:		Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

8 25-09-2020

Heard learned counsel for the parties.

This application for grant of regular bail arises out of Piprakothi P.S. Case No. 180 of 2019 registered for the offence punishable under Sections 341, 323, 354, 506, 376, 511/34 of the Indian Penal Code and Section 8/11 of POCSO Act.

The petitioner is in custody since 08.01.2020. The occurrence is said to have taken place on 26.06.2019, for which F.I.R. came to be registered on 29.06.2019. The victim, a minor, herself is the informant. There is allegation in the F.I.R. against three accused persons of having attempted to outrage her modesty, when she had gone in the field to ease herself.



The informant's father and some other persons have supported the case of the prosecution to the extent that on hearing the informant's screams for help, they had rushed and they had seen the petitioner and others committing the offence and fleeing away from the place of occurrence.

On perusal of the case diary, however, it transpires that the police did not find the narration of the victim in the F.I.R. to be correct to the extent it related to other two co-accused persons. The police, however, found that the petitioner had misbehaved with the informant.

Considering the circumstance that the case of the prosecution, as disclosed in the F.I.R., has not been fully accepted by the police and that there has been delay of three days in lodging of the F.I.R., since the petitioner is in custody since 08.01.2020 and charge-sheet has already been submitted, a case for grant of regular bail is made out.

This application is accordingly allowed.

Let the petitioner, above named, 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 the learned 1st Additional Sessions Judge-cum-Special Judge, POCSO Act, East Champaran at Motihari, in Piprakothi P.S.



Case No. 180 of 2019.

It is directed that the defect(s) in the application, pointed out by the Registry, must be removed within two months.

Since there is a lock down, the Court has considered it appropriate to adopt following procedure for communication of the present order :-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential-office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the learned Court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social



distancing.

(Chakradhari Sharan Singh, J)

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