

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20291 of 2020

Arising Out of PS. Case No.-96 Year-2019 Thana- MAHILA P.S. District- Siwan

RAM CHANDRA @ RAMCHANDRA PRASAD @ RAMCHANDRA JAISWAL Son of Late Madai Sah @ Marai Jaiswal Resident of Mohalla- Nai Basti, Back Side of Sadar Hospital, Siwan, P.S.- Siwan (Town), District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akhileshwar Kumar Shrivastva
For the Opposite Party/s : Mr.Ram Anurag Singh

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

ORAL ORDER

3 07-10-2020 The defects, as pointed out by the office, be ignored.

Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State through video conferencing.

Petitioner apprehends his arrest in connection with Siwan (Mahila) P.S. Case No. 96/2019 registered for the offences punishable under Sections 376(AB)/120B of the Indian Penal Code and 4, 6 and 8 of the POCSO Act.

As per prosecution case, the petitioner happens to be father of victim girl but, submission on behalf of the petitioner is that the victim girl is not daughter of the petitioner and as a matter of fact the wife of the petitioner left the petitioner much prior to institution of the present case and solemnised her



second marriage with another person and, thereafter, the victim girl was born.

Learned counsel of the petitioner drew my attention towards paragraph 78 of the case diary in which the statement of wife of the petitioner has been incorporated and submitted that the wife of the petitioner also admitted that she was residing separately from petitioner since last 7-8 years.

Learned counsel of the petitioner, further, submits that even if it assumed that the petitioner is father of victim girl, then also, victim has not made any complain against the petitioner in her statement recorded under Section 164 of the Code of Criminal Procedure. He, further, submits that so far as the allegation of rape and sexual assault is concerned, the same is against co-accused.

Considering the aforesaid facts and circumstances as well as submissions of the parties, it is ordered that petitioner, above named, in the event of his arrest/ surrender within six weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge – cum – Spl (POCSO), Siwan/concerned court in Siwan



(Mahila) P.S. Case No. 96/19 subject to conditions as laid down
under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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