

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20610 of 2020

Arising Out of PS. Case No.-130 Year-2019 Thana- GURARU District- Gaya

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RANJAN KUMAR @ RANJAN YADAV, S/o Ram Baran Yadav @
Ramvaran Yadav, Resident of Village and P.S.- Guraru, Dist. Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-07-2020 The matter has been taken up through virtual Court proceeding.

Since the physical Court is not functional due to the present pandemic, Covid-19, the matter has been listed with defects.

Learned counsel for the petitioner undertakes to remove the defects within a period of three weeks on resumption of physical court proceeding.

In case of non-removal of the defects within the undertaken period, the office will place the matter before the Bench.

Heard learned counsel for the petitioner and learned APP for the State.



The petitioner has preferred the present application for grant of bail in a case registered for the offences punishable under Sections 341, 323, 448 and 376(d)/34 of the Indian Penal Code, 1860.

The prosecution case as per the written report of Kusum Devi submitted before the Guraru Police Station is to the effect that on 06.10.2019, the informant went outside to ease out and when she returned back, co-accused, Buletan Yadav, Kamlesh Yadav and the petitioner, Ranjan Kumar @ Ranjan Yadav ravished the informant and thereafter, escaped from the house of the informant, leading to registration of the present case.

It is submitted by learned counsel for the petitioner that the accusation has been made in the background of an old enmity and the accusation is not being corroborated by the medical opinion, as during the medical examination, neither any injury nor any sign of rape has been found on the body of the victim and the victim has been found aged above 19 years. The medical examination of the victim was conducted on the date of alleged occurrence itself, i.e., on 07.10.2019 and in the statement recorded under Section 164 of the Cr. P.C., the victim has stated that she was initially ravished by co-accused, Pintu Yadav, and thereafter, Montiar Yadav and Sanjay Yadav and has not named



the petitioner. Even assuming the accusation to be true, no offence under Section 376(d) of the Indian Penal Code is made out against the petitioner. The petitioner is languishing in custody since 08.10.2019 and the investigation has already been concluded. Though the petitioner is accused in one other case, but he has been granted bail in that case.

Learned APP for the State submits that the petitioner is named in the FIR and the accusation is specific against him.

Considering the accusation being not corroborated by the medical opinion, the fact that the informant has not named the petitioner in the statement recorded under Section 164 of the Cr. P.C. and the investigation has already been concluded, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned ACJM-V, Gaya, in connection with Guraru P.S. Case No. 130 of 2019.

However, in view of the present pandemic, COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.



The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned ACJM-V, Gaya, in connection with Guraru P.S. Case No. 130 of 2019.

The learned Court below will be at liberty to extend the period of provisional bail further if the court proceeding in physical mode will not resume in next three months.

Accordingly, the present application stands disposed of.

(Dinesh Kumar Singh, J)

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