

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20709 of 2020**

Arising Out of PS. Case No.-554 Year-2019 Thana- GARKHA District- Saran

RANJEET KUMAR Son of Rameshwar Singh Residence of Village - Thikha,
P.S.- Garkha, Distt.- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar

For the Opposite Party/s : Mr.Ajit Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

3 20-10-2020 Heard learned counsel appearing for the petitioner
as well as learned Additional Public Prosecutor for the State
through video conferencing.

Petitioner is in jail custody since 9.9.2019 in
connection with POCSO Case No. 99 of 2020, arising out of
Garkha P.S. Case No. 554 of 2019, registered for the offences
punishable under Section 376(D) of the Indian Penal Code and
Section 6 of the POCSO Act.

Earlier, the prayer for bail of the petitioner was
rejected by a coordinate Bench of this Court granting liberty to
petitioner to renew his prayer for bail after framing of charge.

Learned counsel of petitioner submits that the charge
has already been framed against the petitioner on 6.2.2020,
which is evident from perusal of report of court below dated



17.9.2020 but uptill now, not a single prosecution witness has been examined. Learned counsel of the petitioner, further, submits that the medical report of the victim does not support the allegation and, moreover, even if the allegation levelled against the petitioner is taken to be true, then also, it were other co-accused, who committed rape on the victim, and the only allegation against the petitioner is that he was making video of alleged occurrence.

On the other hand, learned Additional Public Prosecutor opposed the prayer.

It is a very serious case of gang rape and it appears that after framing of the charge on 6.2.2020, the prosecution witness could not appear before the court due to present situation of pandemic of COVID 19. Therefore, in my view, it is not proper to release the petitioner on bail and, accordingly, his prayer for bail stands rejected.

However, the petitioner may renew his prayer for bail after examination of the victim before the trial court.

(Hemant Kumar Srivastava, J)

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