

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 20623 of 2020

Arising Out of PS. Case No.-109Year- 2019 Thana- Dandari District- Begusarai

=====

Ram Babu Jha @ Sanoj Jha, aged about 22 years, (Male), son of Jivas Jha,
resident of village – Manserpur, P. S. - Balia, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

03. 20.08.2020 Heard Mr. Ajay Kumar Thakur, learned counsel

for the petitioner and Mr. Ganesh Prasad Singh,

learned APP for the State.

The petitioner seeks bail in connection with

Dandari P. S. Case No. 109 of 2019 dated

09.10.2019, which has been instituted for the offence

under Sections 376-D of the Indian Penal Code and

Section 4/6 of the POCSO Act, 2012.

Though in the F.I.R., the petitioner has been

named and has been attributed with the act of

ravishing a 10 years old girl but the statement of the



victim girl under Section 164 Cr.P.C. does not indicate that the petitioner was one of the perpetrators of the crime. The statement of the victim girl under Section 164 Cr.P.C., which is in paragraph 47 of the case diary, indicates that the act of rape was attributed only to one Nitish Sah one of the co-accused person of this case.

Apart from this, the learned counsel for the petitioner has also drawn the attention of this Court to the medical report which does not countenance any act of recent rape on the victim girl.

Though such medical report may not be relevant for the purposes of deciding the present application but the fact that the victim was not found to be *non compos mentis* in the *voir dire* and that she has not named the petitioner in her 164 statement, I am inclined to grant bail to the petitioner. While saying so, I have also taken note of the period of custody of the petitioner which is from 21.10.2019.



Regard being had to the afore-stated facts, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I-cum-Special Judge, POCSO Act, Begusarai, in connection with Dandari P. S. Case No. 109 of 2019.

It is made clear that the petitioner shall participate in the trial and shall not try to tamper with the evidence.

Should he be found doing so, the informant would bring that matter to the knowledge of the court below who shall in that event proceed in the matter with urgent dispatch.

The application stands allowed.

(Ashutosh Kumar, J)

skm

U		T	
---	--	---	--

