

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21541 of 2020

Arising Out of PS. Case No.-174 Year-2019 Thana- PHULWARIYA District- Gopalganj

CHANDAN KUMAR RAM Son of Ram Pravesh Ram Resident of Village -
Maripur, P.S.- Phulwaria, District - Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Pandey

For the Opposite Party/s : Mr. Murlidhar, APP

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

4 18-09-2020 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Phulwariya P.S. Case NO. 174 of 2010, disclosing offences under Sections 354A, 366A and 372 of the Indian Penal Code.

A Complaint case is the basis for registration of the First Information Report. The complainant is the mother of the alleged victim. The occurrence is of 06.08.20-19. It is alleged that the informant's husband is an asthmatic patient and almost infirm. When the informant was not there in the house, the three persons named in the complaint petition entered into her house and kidnapped the victim. When she learnt about the occurrence and went to enquire about her, she was manhandled by accused No.4. The complaint petition was filed nearly 14 days after



the alleged date of occurrence. The First Information Report has been registered under Section 156(3) of the Code of Criminal Procedure.

The case diary had been called for, a digitalized copy of which is available on records. It appears from the case diary that the complainant/informant subsequently turned up with the victim at the police station on 19.09.2019. The statement of the victim has been recorded under Section 164 of the Code of Criminal Procedure. While supporting the case of her kidnapping, she alleged that initially she was brutally assaulted by miscreants and subsequently she was sexually assaulted. She utilized an opportunity to flee away when the accused persons were sleeping. The victim has, however, been medically examined, which it does not suggest any sexual assault.

In view of the above noted facts, considering the circumstance that the petitioner is in custody since 04.03.2020 and the charge-sheet has been submitted, this application is allowed.

Let the petitioner above named in the event of his arrest/surrender within six weeks from today in the Court below, 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 ADJ-I, Gopalganj in Phulwaria P.S. Case No. 174/2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal



Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

I have kept in mind the fact that the complaint petition was filed belatedly nearly 14 days after the alleged date of occurrence.

(Chakradhari Sharan Singh, J)

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