

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22311 of 2020

Arising Out of PS. Case No.-51 Year-2019 Thana- GAIGHAT District- Muzaffarpur

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BIKRAM SHARMA Son of Babunandan Sharma Resident of Village -
Patsharma, P.S.- Gaighat, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Chandra Shekhar Anand
For the Opposite Party/s : Mrs.Veena Kumari Jaiswal (APP)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 12-10-2020 Heard learned counsel for the parties.

This application for grant of regular bail arises out of Gaighat P.S. Case No. 51 of 2019 registered for the offence punishable under Sections 363, 366(A), 376 and 120(B) of the Indian Penal Code.

A complaint petition lodged on 31.10.2018 is the basis for registration of the F.I.R. The informant is the mother of the victim. Allegedly, the victim, a resident of Muzaffarpur was studying in Delhi in a school and she was returning to Muzaffarpur on 11.10.2018 in a train, when she met with the petitioner and got known to each other. It is alleged that the petitioner met the deceased, consumed her some intoxicating cold drink, whereafter, she became unconscious. It is further



alleged that the petitioner brought the victim to the house of his sister, a co-accused, where she was physically exploited by the petitioner. The informant has further alleged that when she learnt that the petitioner had kept the victim in the house of accused no. 6, she reached there and took the victim back to her house.

Learned counsel appearing on behalf of the petitioner has submitted with reference to the statement of victim recorded under Section 164 of the Cr.P.C. that the entire case of the prosecution is concocted. He has submitted that on the one hand the informant in her complaint petition has alleged that she had taken the victim from the house of the accused no. 6, the victim in her statement under Section 164 of the Cr.P.C. has disclosed that she had managed to escape from the place, where the victim was kept, to her brother's place.

In my opinion, there is apparent inconsistency between the case of the prosecution as narrated by the informant and the victim, which casts doubt on the veracity of the prosecution's case. Further, there has been delay in lodging of the complaint case, as is evident from the complaint petition itself.

Considering the aforementioned facts and



circumstances, this application is allowed.

Let the petitioner, above named, 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 A.C.J.M. 15, Muzaffarpur in connection with Gaighat P.S. Case No. 51 of 2019.

It is indicated that defect, if any, shall be shall be removed within two months.

Since there is a lockdown, the Court has considered it appropriate to adopt following procedure for communication of the present order:-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the



learned court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social-distancing.

(Chakradhari Sharan Singh, J)

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