

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26556 of 2020

Arising Out of PS. Case No.-152 Year-2018 Thana- ATHMALGOLA District- Patna

RANJAN KUMAR Son of Jawahir Ray Resident of Village - Budhara, P.S.
Athmalgola, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Kashyap
For the State : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-11-2020 Due to COVID-19 Pandemic, the matter is being taken
up by way of virtual Court proceeding.

The matter has been listed under the heading “For Orders”
under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioner is directed to remove
the defect(s), as pointed out by the office, within a period of
four weeks after restoration of normalcy.

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

The petitioner is apprehending his arrest in a case
registered under Sections 366(A), 328, 376, 34 of the Indian
Penal Code and Sections 6, 8 & 10 of the POCSO Act.

The prosecution case in short is that while the
informant/victim aged about 15 years, was waiting for tempo on



road, the petitioner came there on motorcycle and offered her to drop at her house. Due to being her class-mate, the informant sat on the motorcycle of the petitioner. It is further alleged that the petitioner took her to his house and the informant/victim was insisted to take tea and after taking tea, she became senseless. It is further alleged that in the whole night, the petitioner and one another committed rape upon her.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been falsely implicated in the present case. In course of trial, the victim and her mother have already been examined, in which, they retracted from their earlier statement and have been declared hostile by prosecution. The allegation, made in the FIR is denied by the victim in her deposition before the trial court.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on



furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-Ist, Patna in connection with Athmalgola P.S. Case No. 152 of 2018 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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