

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26701 of 2020

Arising Out of PS. Case No.-114 Year-2019 Thana- DHANKUND District- Banka

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AJAY KUMAR Son of Late Jogendra Mandal Resident of Village-
Bhatuachak, P.S.- Dhankund, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Brij Nandad Prasad

For the Opposite Party/s : Mr.A.G

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 13-10-2020 This matter is taken up for consideration through

Video Conferencing under the orders of Hon'ble the Chief

Justice.

Heard both sides.

The petitioner seeks bail in Dhankund P.S. Case No.

114 of 2019, registered for the offence punishable under

Sections 376, 34 of the Indian Penal Code and section 4 of the

POCSO Act.

As per prosecution case, co-accused Ranjan Kumar @

Ranju, Sagar Kumar and this petitioner entered into the house of

informant and Ranjan Kumar @ Ranju committed rape with her.

Sagar Kumar and this petitioner are alleged to have caught hold

of legs and hands of the informant.

It is submitted on behalf of the petitioner that



petitioner has falsely been implicated in this case due to previous enmity. There is no allegation of sexual assault against this petitioner either in the FIR or in the statement of victim under Section 164 Cr.P.C. Specific allegation is against co-accused Ranjan Kumar @ Ranju. During medical examination no spermatozoa was found. Petitioner has got clean antecedent as stated in para 3 of the bail petition and he is in custody since 27.09.2019.

Considering the facts and circumstances of the case and the fact that prosecution case is also corroborated with the statement of victim in which specific allegation of sexual assault is against co-accused Ranjan Kumar @ Ranju, the petitioner above-named, is directed to be enlarged 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 Additional Sessions Judge I, Banka in connection with Dhankund P.S. Case No. 114 of 2019, subject to following conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be



cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

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