

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26923 of 2020

Arising Out of PS. Case No.-164 Year-2017 Thana- JANDAHA District- Vaishali

RAM BABU RAM Son of Ramjee Ram Resident of Dih Buchauli, P.S.-
Jandaha, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Shekhar

For the Opposite Party/s : Mr.Kr. Ranjit Ranjan

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 16-12-2020 Heard learned counsel for the parties.

This application for regular bail arises out of Jandaha P.S. Case No. 164 of 2017, disclosing offence punishable under Section 376(g) of the Indian Penal Code and Section 10 of the POCSO Act.

The victim's mother is the informant, who has alleged that the victim was kidnapped by the accused persons on 16.09.2017 at 3.00 a.m. when she was not in her house and had gone out to attend the call of nature. They are said to have committed rape.

Learned counsel appearing on behalf of the petitioner has submitted that in her statement before the police under Section 161 of the Cr.P.C., the victim did not allege any act of



rape, however, subsequently in her statement under Section 164 of the Cr.P.C. she has stated that two other persons, not the petitioner, had committed rape on her, whereas she alleged against the petitioner that he had torn her clothes. It has further been argued that registration of the present case is a counter-blast of Jandaha P.S. Case No. 56 of 2017 in relation to murder of one Bindeshwar Ram and to put undue pressure a palpably false case has been registered. It has also been argued that the medical report does not support the prosecution's case. It has lastly been submitted that co-accused Santosh Kumar has been granted regular bail by this Court by an order dated 02.07.2018, passed in Cr. Misc. No. 29932 of 2018 and other other co-accused Sachin Kumar, a juvenile has also been released on bail by the Juvenile Justice Board, Hajipur. The petitioner is in custody since 21.10.2019.

Considering the facts and circumstances noted above, particularly, the fact that a co-accused has been granted regular bail by this Court, this application is allowed.

Let the petitioner, above-named, be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand), with two sureties of the like amount, each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, Hajipur,



Vaishali, in Jandaha P.S. Case No. 164 of 2017.

It is directed that defects in the application pointed out
by the Registry must be removed within two months from today.

(Chakradhari Sharan Singh, J)

Rajesh/-

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