

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56533 of 2019

Arising Out of PS. Case No.-31 Year-2019 Thana- MAHILA P.S. District- Araria

Ranjan Kumar @ Bokka, Son of Raj Kumar Biswas, Resident of village-
Chakai, Ward No. 01, P.S.- Jokihat, District- Araria, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Mrigank Mauli, Advocate
		Mr. Sanjay Kumar Sharma, Advocate
For the State	:	Mr. J.N. Thakur, APP
For the Informant	:	Mr. Ram Prawesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 16-06-2020 The matter has been taken up through virtual Court proceeding.

Heard Mr. Mrigank Mauli, learned counsel for the petitioner, Mr. J.N. Thakur, learned APP for the State and Mr. Ram Prawesh Kumar, learned counsel appearing for the informant.

The present application has been preferred on behalf of the petitioner for grant of bail in connection with a case registered for the offences punishable under Sections 341, 323, 376(D) of the Indian Penal Code, 1860 and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

The prosecution case, as per the written report of Bhuvneshwar Vishwas submitted to the Station House Officer, Araria Mahila Police Station, is to the effect that on 10.04.2019



at 4.00 P.M., the daughter of the informant, Rani Kumari, aged about 13 years, went to the maize field to bring back goat when on the way, the petitioner, Ranjan Ranjan @ Bokka and co-accused Mithu Kumar caught hold of his daughter and tied her hands and legs with towel, wrapped scarf around her neck and firstly co-accused Mithu Kumar ravished her and thereafter, the petitioner ravished her, leading to registration of the present case.

It is submitted by learned counsel for the petitioner that for the alleged occurrence of 10.04.2019 at 4.00 P.M., the FIR was registered on the basis of the written report on 11.04.2019 at 2.30 P.M. It is further submitted that no external injury has been found on the body of the victim and medical report also does not suggest any no sign of sexual assault. The victim's age has been assessed as between 18-19 years. The investigation has already been concluded and petitioner is languishing in custody since 12.04.2019. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent. It is further submitted that similarly situated co-accused Mithu Kumar has been granted bail by Co-ordinate bench of this Court vide Cr. Misc. No. 66639 of 2019 on the ground that the medical opinion



completely negates the accusation of rape and there is no likelihood of trial being concluded in near future due to present pandemic, COVID-19.

Learned counsel for the State and informant submit that there is specific accusation against the petitioner of ravishing the victim and during investigation, the witnesses have supported the prosecution case.

Considering the fact that the accusation has completely been negated by the medical opinion, similarly situated co-accused has been granted bail and investigation already being concluded, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with Spl. (POCSO) Case No. 18 of 2019, arising out of Mahila P.S. Case No. 31 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond upon furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to



become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with Spl. (POCSO) Case No. 18 of 2019, arising out of Mahila P.S. Case No. 31 of 2019.

The learned Court below is at liberty to further extend the period of provisional bail if the court proceeding in physical mode will not resume in next three months.

(Dinesh Kumar Singh, J)

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