

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75462 of 2019

Arising Out of PS. Case No.-117 Year-2019 Thana- KHODAWANDPUR District- Begusarai

Ramesh Sharma (M) aged about 32 years, S/o Sonelal Sharma, Resident of
Village- Khairi Kharaj, P.S.- Khanpur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinod Gautam, Advocate
For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 10-06-2020

The matter has been heard *via* video conferencing due to lockdown imposed on account of the COVID-19 pandemic.

2. Heard Mr. Vinod Gautam, learned counsel for the petitioner and Mr. Md. Fahimuddin, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner is in custody in connection with Khodawandpur P.S. Case No.117 of 2019 dated 08.06.2019 instituted under Sections 376 D/34 of the Indian Penal Code.

4. The allegation against the petitioner and another person is of committing rape on the informant.

5. Learned counsel for the petitioner submitted that he and his co-brother (*Sarhu*) have been falsely implicated in the case. It was submitted that there is a Title Suit pending between



the father-in-law of the petitioner and the family of the informant. Learned counsel submitted that the petitioner and his co-brother being accused of committing rape itself is unbelievable as no two persons having such relationship would commit a crime of this nature together. It was further submitted that in the medical examination no spermatozoa was found and the informant was found carrying pregnancy of twenty-one weeks. It was submitted that the medical report also does not disclose any sign of assault on the body. Learned counsel submitted that the co-accused has been granted bail on 20.01.2020 in Cr. Misc. No. 75236 of 2019. Learned counsel submitted that the petitioner having no criminal antecedent is in custody since 11.06.2019.

6. Learned APP submitted that as per the allegation, the petitioner and another person had raped the informant.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bond of Rs.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Begusarai, in Khodawandpur P.S. Case No.117 of 2019, subject to the conditions (i) that one of the bailors shall be a close



relative of the petitioner and (ii) that the petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

J. Alam/-

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