

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2695 of 2020

Arising Out of PS. Case No.-17 Year-2019 Thana- MANSURCHAK District- Begusarai

Ravi Malakar @ Ravi Kumar @ Ravia Malakar, male, aged about 18 years,
Son of Ram Bahadur Mali @ Ram Bahadur Malakar, Resident of Village -
Samsa, P.S.- Mansoorchak, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr.Arun Kumar Pandey,APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

7. 14-09-2020 Heard Sri Sandip Kumar Gautam, learned counsel
for the petitioner as well as Sri Arun Kumar Pandey, learned
A.P.P. for the State through video conferencing.

This relates to grant of regular bail to the petitioner
in POCSO Case no. 14 of 2019, arising out of Mansoorchak P.S.
Case No. 17 of 2019, registered for the offence under Section
376(D) of the Indian Penal Code, Sections 4, 5, 6, 12 of POCSO
Act and Section 67 of the I.T. Act.

As per prosecution case, on 11-02-2019 at about
6:30 AM, when the informant was going to ease out, it is alleged
that all the accused persons, including petitioner, dragged and
gagged her and thereafter, ravished her one-by-one. It is further
alleged that co-accused Sunny Sah took nude photograph of the



informant and threatened her of dire consequences, if she would disclose the matter before anyone.

It is submitted on behalf of petitioner that as per F.I.R., the alleged occurrence has taken place on 11-02-2019, but the F.I.R. has been lodged after much delay i.e. on 22-02-2019. It is further submitted that there is contradiction in the statement of the victim (informant) recorded under Section 164 of the Cr.P.C. and in the F.I.R. It is further submitted that the medical report of the victim (informant) completely negates the prosecution case. Inasmuch as no injury on any part of the body of the informant has been found and no definite sign of sexual assault was found on her body. It is also submitted that similarly situated co-accused Sujeet Kumar @ Sujeet Thakur @ Gidarba @ Gidorba has already been granted bail by this Court, vide order dated 15-06-2020 passed in Cr.Misc. No. 3539 of 2020. Petitioner is having clean antecedent and he is in custody since 25-02-2019.

Considering the delayed lodging of the F.I.R., period of custody having clean antecedent, medical report of the victim (informant) and the fact that similarly situated co-accused has already been granted bail, the bail application of the petitioner is allowed.



Let the above-named petitioner 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 Additional Sessions Judge 1st cum Special Judge POCSO Act, Begusarai in connection with POCSO Case no. 14 of 2019, arising out of Mansoorchak P.S. Case No. 17 of 2019, on the following conditions:

“(1) Petitioner shall cooperate 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 on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the Court below.

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

(Prabhat Kumar Singh, J.)

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