IN THE HIGH COURT OF JHARKHAND AT RANCHI
B. A. No. 9524 of 2020

Birsa Lohra … Petitioner

Versus

The State of Jharkhand … Opposite Party

Coram: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner : Mr. Birendra Kumar , Adv.
For the State : Mr. Saket Kumar , Addl. P.P.

02 / 09.12.2020 Heard the parties through Video Conferencing.

Learned counsel for the petitioner personally undertakes to remove the defects pointed out by the Stamp Reporter within two weeks after the lockdown is over.

In view of the personal undertaking given by learned counsel for the petitioner the defects pointed out by the Stamp Reporter are ignored for the present.

The petitioner has been made accused in connection with Lapung P.S. case no. 43 of 2019 (POCSO case no. 25 of 2020) instituted under sections 376(2) (i) of the Indian Penal Code read with Section 5 (L) / 6 of the POCSO Act. .

Learned counsel appearing for the petitioner submits that the allegation against the petitioner is that the petitioner committed rape upon minor victim girl. It is then submitted by learned counsel for the petitioner that the allegation against the petitioner is false and there is major contradiction between the statement of the victim recorded under section 164 Cr.P.C and the FIR. It is further submitted by learned counsel for the petitioner that the petitioner has been in jail custody since 20.12.2019 as mentioned in paragraph 7 of the bail application and the petitioner is ready and willing to co-operate with the trial of the case and also ready and willing to pay Rs. 1,00,000/- as ad interim victim compensation to the informant without prejudice to his defence and undertakes not to annoy or disturb the informant or her family members in any manner during pendency of the case hence, the petitioner may be released on bail.

Learned Addl. P.P. opposes the prayer for bail of the petitioner.

Considering the facts of the case, the petitioner is directed to be released on bail on depositing Rs. 1,00,000/- by way of demand draft drawn in favour of informant as ad interim victim compensation and on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned AJC IV cum Special Judge, POCSO Ranchi in connection with Lapung P.S. case no. 43 of 2019 (POCSO case no. 25 of 2020) subject to the condition that the petitioner will co-operate with the trial of the case and the petitioner will not annoy or disturb the informant or her family members in any manner during pendency of the case.

In case of depositing aforesaid demand draft by the petitioner, learned court below is directed to issue notice to the informant and release the demand draft in her favour on proper identification forthwith.

(**ANIL KUMAR CHOUDHARY, J.)**

Smita/-