IN THE HIGH COURT OF JHARKHAND AT RANCHI
B.A. No. 9938 of 2020

Purushottam Mishra @ Sonu Mishra
… Petitioner
Versus
The State of Jharkhand ⋯ Opposite Party

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner : Mr. K.S. Nanda, Advocate
For the State : Mr. R. Vardhan, Addl. P.P.

Order No.02 Dated- 16.12.2020

Heard the parties through video conferencing.

Learned counsel for the petitioner personally undertakes to remove the defects as pointed out by the stamp reporter within two weeks after the lockdown period is over.

In view of the personal undertaking of the learned counsel for the petitioner, the defects pointed out by the stamp reporter are ignored for the present.

The petitioner has moved this Court for grant of bail in connection with Bariatu P.S. Case No.183 of 2019 registered under sections 376 of the Indian Penal Code and under section 4 of the POCSO Act.

The learned counsel for the petitioner submits that the allegation against the petitioner is that the petitioner was living in live-in relationship with the mother of the victim without marrying her and he committed rape upon the victim. It is further submitted that the allegations against the petitioner are all false. It is then submitted that though in her statement recorded under section 164 Cr.P.C., the victim has stated that she was raped once only but she stated before the doctor that she was raped twice by the petitioner on 16.07.2019 & 17.07.2019. It is further submitted that the victim in her statement recorded under section 164 Cr.P.C. has categorically stated that the petitioner used to assault her mother, and because of her annoyance with the petitioner this false case has been instituted and the medical examination report of the victim does not show any sign of recent sexual intercourse. It is then submitted that there is an inordinate and

unexplained delay of 7 days in lodging the F.I.R. It is next submitted that the petitioner has been in custody since 24.07.2019 as has been mentioned in paragraph no. 1 of the bail application. It is lastly submitted that the petitioner undertakes to cooperate with the trial of the case. Hence, it is submitted that the petitioner be admitted to bail.

The learned Addl. P.P. opposes the prayer for bail.

Considering the submissions of the counsels and the fact as discussed above, I am inclined to enlarge the above named petitioner on bail. Accordingly, the petitioner is directed to be released on bail 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 Additional Judicial Commissioner-IV-cum-Special Judge -POCSO, Ranchi, in connection with Bariatu P.S. Case No.183 of 2019 with the condition that he will cooperate with the trial of the case.

(Anil Kumar Choudhary, J.)

Sonu-Gunjan/