

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 13096 of 2021

Arising Out of PS. Case No.-47 Year-2020 Thana- JAIPUR District- Banka

1. PAPPU TUDDU S/O NUNULAL TUDDU @ NUNULAL MARANDI R/O VILLAGE- DHEBAKOLIYA, NAWADIH, P.S JAIPUR (OLD KATORIYA), DISTRICT BANKA
2. DEVO @ DEVLAL MARANDI S/O BUDDU MARANDI R/O VILLAGE- DHEBAKOLIYA, NAWADIH, P.S JAIPUR (OLD KATORIYA), DISTRICT BANKA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : M/s Nirbhay Kr Singh, Ravindra Kr Shukla,
Pratyush Pratap Singh, Advocates
For the Opposite Party/s : Mr Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

5 12-08-2021 This case has been taken up for consideration today through Video Conferencing.

Heard learned counsel for the petitioners and the learned Additional Public Prosecutor (for brevity, *APP*) appearing for the State of Bihar.

The petitioner seeks bail in Jaipur Police Station (for brevity, *PS*) Case No 47 of 2020 (GR No 102 of 2020) instituted for the offence punishable under Sections 376, 354B/34 of Indian Penal Code and Section 4 of Protection of Children from Sexual Offences (for brevity, *POCSO*) Act.

The informant has alleged that she is aged about 16



years and all the accused persons have lifted her and, thereafter, committed rape.

Learned counsel for the petitioners submits that the victim's statement was subsequently recorded under Section 164 of Criminal Procedure Code. Specific allegation of rape has been made against co-accused Prem Tuddu. One of the petitioners' brother Sunil has allegedly threatened the victim and her mother after the occurrence. Petitioners have been named as co-accused along with other persons. If at all, the role, which has been attributed to the petitioners, is of facilitating the victim's release from the clutches of the perpetrators.

Learned APP has opposed the prayer for bail. He has taken the Court to the statement of the victim recorded under Section 164 of Criminal Procedure Code. The same clearly records the allegation of rape against co-accused Prem Tuddu and threat being meted out by one of the petitioners' brother Sunil. The victim has been assessed to be 16 to 18 years old during the medical examination which was conducted nearly one month after the occurrence where no external injury or spermatozoa was found. It is further submitted that the petitioners are in custody since 02.09.2020 and are stated to be men of clean antecedent.



Considering the rival submissions as also the facts and circumstances of the case, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail is allowed. Let the petitioners, above named, be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge VI -cum- Special Judge, POCSO, Banka in connection with GR No 102 of 2020 arising out of Jaipur PS Case No 47 of 2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

Learned counsel for the petitioners is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as



pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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