

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.1606 of 2021**

Arising Out of PS. Case No.-90 Year-2020 Thana- MURAR District- Buxar

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RAVI KUMAR RAM @ RAVI KUMAR S/O AKSHAY KUMAR RAM R/o
village- Ora, P.S.- Rajpur, District- Buxar

... .. Appellant

Versus

The State of Bihar

... .. Respondent

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Appearance :

For the Appellant/s : Mr. Anil Kumar Singh, Advocate

For the Respondent/s : Mr. Binay Krishna, Spl. PP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

6 15-07-2021 Learned counsel for the appellant undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the appellant and learned

Spl. P.P. for the State.

Appellant in the present case is seeking to set aside

the order dated 17.12.2020 passed by learned Additional District
and Sessions Judge 1st-cum-Special Judge, Buxar in SC/ST Case
No. 115 of 2020 arising out of Murar P.S. Case No. 90 of 2020
registered for the offences under Section 302, 376(D), 379 and
307 of the Indian Penal Code and Section 3(2)(v) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 whereby and whereunder his prayer for
regular bail was rejected.



As per the prosecution story, on 10.10.2020 the informant along with her five year son was going to S.B.I., Chaugai to deposit cash. The accused persons surrounded the informant and snatched her mobile and money and took them on their motorcycle to an orchard. She has alleged that the accused persons had committed rape upon her and brought her to her village and when the informant raised hulla, the accused persons shut her mouth with a handkerchief and threw her and her son in the water due to which her son had died.

Learned counsel for the appellant submits that this appellant is not named in the F.I.R. and there is no allegation of rape against him, the only allegation that has transpired in course of investigation is that he had dropped the co-accused Chunmun Rajbhar and lady by driving the motorcycle of Chunmun Rajbhar at about 11.00 am and had dropped them at the place told by them. Learned counsel further submits that the main accused in this case is Chunmun Rajbhar. In course of investigation police has submitted a report saying that Bhola Yadav and Meena Ram have not committed the offence.

This Court has been further informed that co-accused Meena Ram and Radhe Shyam have been granted bail by learned co-ordinate Benches of this Court in Criminal Appeal



(SJ) 667 of 2021 and Criminal Appeal (SJ) 1034 of 2021 respectively.

Learned Spl. P.P. for the State accepts that so far as this appellant is concerned, allegation against him is limited to the extent that he had dropped the said Chunmun Rajbhar and the lady by motorcycle.

Considering the facts and circumstances of the case and the materials which have been placed before this Court as indicated above, this Court sets aside the impugned order and directs release of the appellant on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge 1st-cum-Special Judge, Buxar in connection with SC/ST Case No. 115 of 2020 arising out of Murar P.S. Case No. 90 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly



make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

