

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25300 of 2021

Arising Out of PS. Case No.-705 Year-2020 Thana- SAHARSA SADAR District- Saharsa

RAMATUL KUMAR @ RAMATUL KUMAR SINGH @ RAMATUL Son of
Abdhesh Singh Resident of Village- Sulindabad, Ward No., P.S.- Saharsa
Sadar, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhav Jha

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

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

3 06-12-2021 The applicant/accused in Crime No. 705 of 2020,

registered with Saharsa Sadar Police Station for the offences

punishable under Sections 363, 366 (A) of the Indian Penal Code as

well as Section 8 of POCSO Act at the instance of first informant,

Md. Samsai@ Shamshad, by this application is seeking release on

bail during pendency of the trial.

Heard the learned counsel appearing for the

applicant/accused. He argued that the applicant is falsely implicated

in the crime in question and the investigation is already over.

The learned Prosecutor assisted by the learned counsel for

the first informant opposed the applicant by contending that the

offence is serious and the applicant cannot be released on bail.

Considering the submissions so advanced and also

perused the charge sheet.

The victim of the crime in question is reported to be a

female child of 13 years of age. Her brother, in his FIR lodged on 19.09.2020 alleged that the applicant must have kidnapped his minor sister in order to seduce her or to force her to illicit intercourse. He alleged that his minor sister has not returned to house on 18.09.2020.

The victim of the crime in question had given a statement to the learned Judicial Magistrate under Section 164 of the Cr.P.C. wherein she has stated that the applicant had given a ticket of the train to her and ask her to go to the Railway station. Accordingly, she went there but the applicant did not come. She went to Buxar and then her father brought her back.

Considering the statement of the victim, vis-a-vis, the FIR lodged by the brother, I am of the considered view that further pre-trial detention of the applicant is not warranted and, therefore, there is no other alternative but to release him on bail during pendency of the trial and hence, the order:-

- i. The application is allowed.
- ii. The applicant/accused in Saharsa Sadar Police Station for the offences punishable under Sections 363, 366 (A) of the Indian Penal Code as well as Section 8 of POCSO Act, be released on bail on executing P.R. bond of Rs.10,000/- Rupees Ten Thousand) on furnishing surety of the like amount to the satisfaction

of the trial Court with the following conditions :-

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial Court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and Registry to issue bail-writ as per this order only after removal of office objections by the appellant/accused.

(A. M. Badar, J)

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