

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.34842 of 2020**

Arising Out of PS. Case No.-94 Year-2020 Thana- MOKAMAH District- Patna

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RANDHEER RAI @ RANDHIR RAI S/o Sri Yogindar Rai @ Yogendra Prasad Resident of Village-Mekra, P.S-Mokama, District-Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Thakur,Advocate Mr.Malay Kumar Choudhary,Advocate
For the State	:	Mr.A.H. Sahara,APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 06-07-2021 Heard Mr. Ajay Kumar Thakur, learned counsel for the petitioner and Mr. A. H. Sahara, leaned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Mokama P.S. Case No. 94 of 2020 registered for the offences punishable under Section 376(3) of the Indian Penal Code and Sections 4 and 8 of Protection of Children from Sexual offences Act.

Learned counsel for the petitioner submits that as per the prosecution story the petitioner had ravished the chastity of the daughter of the informant who was a minor girl. She had become pregnant because of the said act but the informant claims that he did not make a complaint against him. It is alleged that because the petitioner was again harassing her, the case was lodged.



Learned counsel submits that the petitioner and the informant are said to be first cousin who got land dispute. In this connection, learned counsel submits that because of the said land dispute over a construction of a boundary wall the allegation of commission of rape and abortion has been concocted. Referring to the medical examination report of the victim girl, learned counsel points out that in the medical examination the victim girl has been found 18 years of age and as per her Aadhar Card she is about 19 year of age, therefore, at first instance the informant made a false statement that the victim girl is a minor. The medical examination report does not support the prosecution case as neither any sign of rape nor any sign of abortion could be noticed by the medical team.

Learned counsel further submits that the informant has now filed petition that inadvertently he mentioned the age of the victim as 14 years whereas she is a major girl.

Learned APP for the State has opposed the prayer for regular bail of the petitioner. He has submitted that there is allegation of rape against the petitioner.

Having regard to the facts and circumstances of the case wherein it appears from the materials placed before this Court that the informant alleges commission of rape by this petitioner



about six months back and then he also alleges that because of the said commission of rape his daughter had become pregnant and abortion was carried out but in course of investigation no such material has been brought on the record to show that the victim girl was treated by any doctor, the medical examination report of the victim girl shows that she was major but the informant had wrongly given her age as 15 years, the medical examination report does not support the prosecution case as neither any sign of rape nor any sign of abortion has been found, the petitioner has remained in custody in connection with this case for more than a year, in one case on his head which has arisen out of land dispute he is on bail, under these circumstances, this Court directs release of the petitioner on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 1, Patna in connection with Mokama P.S. Case No. 94 of 2020, subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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 petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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.

The application stands allowed.

(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'.

