

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37274 of 2020

Arising Out of PS. Case No.-57 Year-2020 Thana- MAHILA P.S. District- Kaimur (Bhabua)

1. Vijay Ram, Son Of Ramadhar Ram, Resident Of Village Barahariya P.S Chand, District Kaimur
2. Mukesh Ram, Son Of Pyare Ram, Resident Of Village- Barahariya, Police Station- Chand, District- Kaimur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajendra Kumar Deo, Advocate

For the Opposite Party/s : Mr.Bal Mukund Pd. Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 23-02-2021 Heard learned counsel for the petitioners and the learned APP for the State.

The petitioners seek bail in connection with POCSO Case No.27/2020 (I.A.-1/2020), Bhabhua Mahila P.S. Case No.57 of 2020 registered for the offence punishable under Sections 341, 323, 376(D), 506 of the Indian Penal Code and Section 6 of the POCSO Act.

The informant claiming to be a minor has alleged rape by the petitioners.

It is submitted by the petitioners' counsel that there is a stark variation in the statement of the informant at the time of recording of the F.I.R. and subsequently during her statement



under Section 164 Cr.P.C. The victim has been medically examined on the same day. The medical finding is that she is between 18-20 years and there is no evidence of physical assault corroborating the alleged accusation of rape by accused persons. The petitioners bear clean antecedents and it is submitted that it is a case of false implication, based on extraneous considerations. The petitioners are in custody since 26.08.2020.

Learned APP for the State has opposed the prayer for bail, referring to several paragraphs of the case diary.

Considering the rival submissions, this Court is inclined to allow the petitioners' prayer for bail.

Accordingly, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge, POCSO Act, Kaimur, Bhabhua, in connection with POCSO Case No.27/2020 (I.A.-1/2020), Bhabhua Mahila P.S. Case No.57 of 2020, subject to the following conditions:

(i) That one of the bailors of each of the petitioners will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners concerned. The bailors 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 bonds will be liable to be cancelled.

This Court would expect that the petitioners' counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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